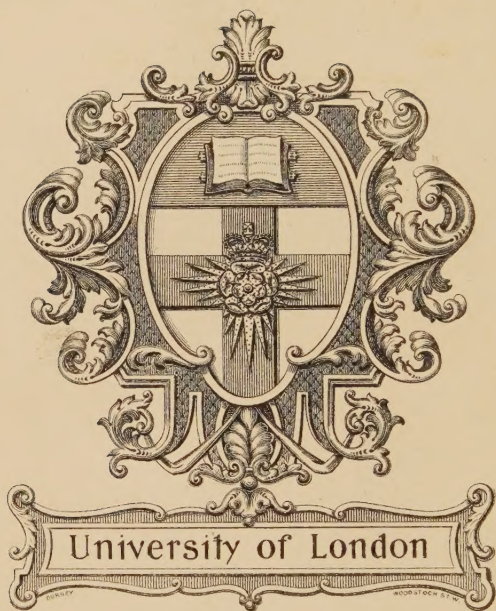


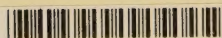
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HANSARD'S
PARLIAMENTARY
DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

2° VICTORIÆ, 1839.

VOL. L.

COMPRISING THE PERIOD FROM

THE SEVENTH DAY OF AUGUST,

TO

THE TWENTY-SEVENTH, 1839.

Sixth Volume of the Session.

L O N D O N:

THOMAS CURSON HANSARD, PATERNOSTER ROW;
AND BALDWIN AND CRADOCK; DOLMAN; LONGMAN AND CO.; J. M.
RICHARDSON; ALLEN AND CO.; J. HATCHARD AND SON; J. RIDGWAY;
E. JEFFERY AND SON; J. RODWELL; CALKIN AND BUDD; R. H. EVANS;
J. BIGG; J. BOOTH.

1839.

HANSAARD

PAUL A. HANSAARD

DEBATE

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W. L. A. HANSAARD

W. L. A. HANSAARD
W. L. A. HANSAARD

LONDON:

THOMAS CURSON HANSAARD, PATERNOSTER-ROW.

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HANSARD'S

PARLIAMENTARY DEBATES,

DURING THE *SECOND SESSION* OF THE *THIRTEENTH*
PARLIAMENT OF THE UNITED KINGDOM OF *GREAT*
BRITAIN AND *IRELAND*, APPOINTED TO MEET AT
 WESTMINSTER, 5TH FEBRUARY, 1839, IN THE SECOND YEAR
 OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA.

SIXTH AND LAST VOLUME OF THE SESSION.

HOUSE OF COMMONS,

Wednesday, August 7, 1839.

MINUTES.] Bills. Read a first time:—Manchester Police; Bolton Police; Courts in Counties; Sheriffs' Exemption; Real Estates Liability; Prisoners' Trial; Patents for Inventions; Joint Stock Banking Companies.—Read a second time:—Militia Pay.

Petitions presented. By Mr. Darby, from Salehurst, against the Tithe Commutation Act Amendment Bill.—By Mr. Hawes, from Inhabitants of Malta, for a Legislative Council, and Trial by Jury.—By Mr. Ewart, from Inhabitants of Malta, for the Improvements recommended by the Commissioners.—By Mr. T. Attwood, from the Town Council of Birmingham, against the Birmingham Police Bill (No. 2).—By Sir R. Inglis, from the Guardians of the Teversham Union, in favour of the New Poor-law.—By Lord Granville Somerset, from the Guardians of the Holborn Union, denying that the aged are compelled to Labour.—By Mr. Shiel, from the Society of Friends, for Protection to the Aborigines in Canada.

GOVERNMENT OF CANADA.]

Lord J. Russell moved the Lords' amendments to the Lower Canada Government Bill be agreed to,

Sir C. Grey begged to know in what they consisted?

Mr. Labouchere said, that the most important one was this. The bill, as sent to the Lords, gave a general power to the

Legislative Council to alter the tenure of land; and the Lords had simply restricted legislation upon that subject to the island of Montreal.

Amendments agreed to.

IRELAND—LORD BROUGHAM'S RESOLUTIONS.] Lord J. Russell said, that he was desirous of making an observation upon the subject of a resolution which it appeared by the votes of the House of Lords had been come to that morning by their Lordships. The resolution was this:—

“That it is the duty of the Executive Government, when considering any case of conviction had before any of the Queen's judges with a view of remitting or commuting the sentence, to apply for information to the judge or judges who tried the case, and to afford such judge or judges an opportunity to give their opinion on such case, unless circumstances should exist which render any such application impossible or only possible with an inconvenient delay; but that it is not necessary that the Executive Government should be bound to follow the advice, if any, tendered by such judge or judges.”

He did not wish to argue the question; but as it was a question affecting the office which he held, he did wish to say, at once, that this resolution proposed a practice which was utterly inconsistent with that which had been hitherto pursued by Secretaries of State in their recommendations to the Crown, from which it would, in his opinion, be exceedingly inconvenient to depart, and in which it was not his intention to make any alteration whatever. If it were a bill instead of a resolution, and had gained the consent of Parliament then of course, he would be bound to obey it as law. But, until such were the case, he should consider himself justified in following the practice which had been hitherto pursued, not thinking that the prerogative of mercy could be, in any degree, altered by the resolution he had read to the House.

MUNICIPAL CORPORATIONS (IRELAND).] Lord *J. Russell* said, that before he proceeded to call the attention of the House to the Lords' amendments to this bill generally, he wished to have the opinion of the Chair upon one of them in particular. The bill, as it had passed the Commons, contained clauses giving certain powers which were hitherto exercised by the grand juries in Ireland to the municipal bodies instituted or reformed by the bill. It appeared that the House of Lords had struck out those clauses, whereby in effect those powers hitherto exercised by grand juries, which were taxing powers, and powers of levying money, were continued to those grand juries as they had by law hitherto exercised them. That was exactly the nature and effect of the Lords' amendment; and without offering any opinion upon the question, he should be glad to hear the opinion of the Chair before he proceeded to propose any further steps.

The *Speaker* said, that if he correctly understood the question, it had reference to those clauses in the bill which transferred certain powers of taxation held under the existing law, by the grand juries of the several counties in Ireland, to the newly created councils in the proposed municipal boroughs, the Lords' amendment upon which he did not think the House of Commons could agree to. It had always been most jealous of any interference on the part of the other House in cases of this description. It did not

even allow the House of Lords to change the name of a single trustee in a turnpike bill. If a bill passed the Commons for the collection of rates, it never consented, and never would consent, to any alterations being made by the other House respecting the body which was to have the control of those rates. He apprehended, therefore, that the Commons having decided that these powers of taxation were hereafter to be exercised by the new municipal councils, and the House of Lords having so amended the bill as to re-transfer those powers to the grand juries of the counties in Ireland, that the House of Commons could not, consistently with the proper maintenance of its privileges, agree to that amendment.

Lord *J. Russell* begged further to know, whether in the opinion of the Chair, that amendment would be at once fatal to the bill, or whether it was an amendment to which they could disagree, and ask the other House to consent to their disagreement thereon?

The *Speaker* replied, that he did not consider it fatal to the bill, but such an amendment as the House of Commons might disagree to, and signify their intention accordingly to the House of Lords, in the hope, that their Lordships might wave their amendment, and allow the clauses to stand as before.

Mr. *Shaw* apprehended, that in point of form they were not prohibited from going into the consideration of the question upon its own merits; and if they might consider the question on its merits, that at once disposed of the question of privilege. He entirely concurred in the principle laid down by the right hon. Gentleman in the Chair, that the House of Lords could not, without infringing upon their privileges, change the name of a trustee in a turnpike bill; but he submitted, that that did not apply to the present case. The House of Lords had not in any degree amended or altered the clauses in question; they had only omitted them. In doing so, they were acting in perfect consistency with the privileges of the Commons. There was no doubt, that the House of Lords could throw out a money bill altogether, although they could not in any way alter it. Again, the House of Lords might amend a bill involving the imposition of taxes, but could not alter the money clauses of that bill; and further, they could not, if those

clauses were essential to the bill, omit them without infringing the privileges of the House of Commons. But surely it would not be contended, that the clauses omitted in this case, were essential to the bill? They had formed no original part of it; but had been introduced in committee. Altogether omitting those clauses, did not so change the character of the bill as to prevent them, consistently with their privileges, from going on with it. Upon looking into the subject he found an authority, in the year 1835, respecting the Southend Pier Bill, which he thought applicable to the present case. The House of Lords had omitted a clause which might have been considered as absolutely essential — a clause giving power to issue public money for the purposes of the bill. The Lords struck out the clause, and the Commons agreed to the said amendment of their Lordships, because the clause was introduced in committee upon the bill, and without the authority of the House according to its usual form when issuing public money. He had no wish to go into the merits of the amendments, but simply to state what he believed to be the proper rule respecting the privileges of the House.

Lord *J. Russell* could conceive, that there were certain cases in which the rejection of money clauses by the House of Lords, might not make it necessary for them to insist upon those clauses. But as the right hon. Gentleman in the Chair had stated, and as he (Lord *J. Russell*) also thought, the difficulty in this case was, that the fact of the rejection of the clause by the Lords, did not entirely get rid of the power of taxation, but did in fact, and in substance, transfer that power to another body. That he conceived, to be the point which created a difference between this case, and that alluded to by the right hon. Gentleman opposite, who was of opinion, that the course to be pursued was to disagree to the amendments altogether. Now, he conceived, that they might perfectly well disagree with these amendments, and do it on the ground of privilege. It was quite a common practice for the House to disagree to any amendments of the House of Lords, and to state the grounds of their disagreement to the Lords, subjoining, at the same time, that such and such other amendments they had rejected as being an interference with their privileges.

On the view, therefore, that he took, they ought to disagree to these amendments on the point of privilege, but that disagreement did not conclude the whole question of the bill. He proposed, therefore, to disagree to those amendments which affected these privileges, and take the rest into consideration on Friday.

Motion agreed to.

RURAL CONSTABULARY.] Lord *J. Russell* moved the Order of the Day for the Committee on the County and District Constables' Bill.

On the question, that the Speaker leave the Chair,

Mr. *Hume* regretted, that the House were about by this bill to transfer to an irresponsible power the right of taxing the whole community. Previously to carrying into operation such a measure as this, they ought to have constituted boards of rate payers, to be elected by, and to be responsible to the rate-payers, for the conduct of this business. He objected to proceeding with so important a bill at this period of the Session. It was a bill which required a full attendance, and ought to have had even a call of the House. He submitted, too, that in the principle of it, they were at fault, and he thought the noble Lord ought to consider well how he went about to violate the great principle that the people should only be taxed by their representative. For the purpose of postponing the measure to another Session, he moved, that the further consideration of it be taken that day three months.

Mr. *T. Attwood* cordially seconded the motion. His objection was to the principle of centralization adopted in this measure. He did not wish to see the police appointed by the county magistrates.

Lord *J. Russell* could not conceive how the objections of hon. Gentleman applied to this bill. Some hon. Members declared that if a board were appointed by the rate-payers, and responsible to them, they should not object to the bill placing the control of the police in such body, and the hon. Member for Birmingham (Mr. *Attwood*) objected to placing the appointment of them in the hands of the county magistrates, and complained of the centralising character of the bill. But it was clear that whether they placed the appointment in a board elected by the rate-payers, or in the county magistrates,

the centralization was precisely the same, for centralization had, in fact, nothing to do with it at all, because in either case a local body was taken. Centralization was misapplied to the present bill which vested the power of appointment in the hands of the county magistrates. He did not himself object to the general principle that there should be county boards appointed by the rate-payers. The bill would only give to a body which was now in existence the power of appointing special constables. He hoped, therefore, the House would allow it to pass; he should be very sorry to allow the Session to pass over without the measure becoming law.

Mr. Warburton suggested, that the noble Lord should make this bill—which was only passed without debate at present on account of the emergencies of the country—only a bill of two years' duration.

Lord J. Russell said, that if they limited the duration of the bill to two years, the magistrates could only make engagements for two years, and if they could only make your engagements for two years, the most valuable men would not take employment under them.

Sir E. Wilmot objected to that part of the bill which related to the appointment of one chief constable in each county, and in the committee he would make a proposal to get rid of that difficulty.

The House divided on the original question;—Ayes 85; Noes 14: Majority 71.

List of the AYES.

Adam, Admiral	Eliot, Lord
Barnard, E. G.	Estcourt, T.
Barry, G. S.	Ewart, W.
Bernal, R.	Gaskell, J. M.
Blackburne, I.	Grey, rt. hon. Sir G.
Blake, W. J.	Grey, rt. hon. Sir C.
Bolling, W.	Grimsditch, T.
Bramston, T. W.	Hamilton, C. J. B.
Bridgeman, H.	Harvey, D. W.
Broadley, H.	Hill, Lord A. M. C.
Brownrigg, S.	Hinde, J. H.
Bruges, W. H. L.	Hobhouse, rt. hn. Sir J.
Bryan, G.	Hobhouse, T. B.
Buller, C.	Hodgson, R.
Burroughes, H. N.	Hope, hon. C.
Campbell, Sir J.	Hope, G. W.
Chute, W. L. W.	Hoskins, K.
Clay, W.	Howard, P. H.
Crawford, W.	Howick, Lord
Darby, G.	Kemble, H.
Darlington, Earl of	Labouchere, rt. hn. H.
Divett, E.	Lascelles, hon. W. S.
Donkin, Sir R. S.	Loch, J.
Douglas, Sir C. E.	Lowther, J. H.

Lushington, C.	Smith, R. V.
Lushington, rt. hn. S.	Somerset, Lord G.
Maule, hon. F.	Stanley, hon. W. O.
Morpeth, Lord	Stock, Dr.
O'Connell, M. J.	Surrey, Earl of
Oswald, J.	Thomson, rt. hn. C.P.
Palmer, G.	Thornely, T.
Parker, J.	Troubridge, Sir E. T.
Parker, R. T.	Villiers, hon. C. P.
Parnell, rt. hn. Sir H.	Warburton, H.
Philips, M.	Wilbraham, G.
Praed, W. T.	Wilmot, Sir J. E.
Price, Sir R.	Wood, C.
Rich, H.	Wood, G. W.
Rolfe, Sir R. M.	Wood, Colonel T.
Round, J.	Wrightson, W. B.
Russell, Lord J.	Yates, J. A.
Rutherford, rt. hn. A.	TELLERS.
Seymour, Lord	Stanley, hon. E. J.
Sheil, R. L.	Baring, F. T.

List of the NOES.

Brotherton, J.	Redington, T. N.
Callaghan, D.	Scholefield, J.
Duncombe, T.	Vigors, N. A.
Finch, F.	Wakley, T.
Grote, G.	Williams, W.
Hector, C. J.	
O'Connell, D.	TELLERS.
O'Connell, J.	Hume, J.
Pechell, Captain	Attwood, T.

Bill went through the Committee.
House resumed.—Bill reported.

BIRMINGHAM POLICE.] Mr. Fox Maule moved the second reading of the Birmingham Police Bill (No. 2.)

Mr. T. Attwood was confident that it was a most improvident bill, and he much feared that it would produce much evil of a serious nature in the town of Birmingham. He must complain of the change made from the first bill, which the people of Birmingham would not object to, to an arbitrary measure which threw the whole power into the hands of the Secretary for the Home Department, and made, too, at the suggestion of the general opponents of the Government. He did not see why the men of Birmingham of the present day should not be governed as were their grandfathers. He did hope that the Government would take warning in time, and not persevere in this bill, or any similar measure, for he had no doubt that it would produce great mischief to the peace and content of the country, and might endanger the security of the Throne itself. He was sure, that a police force would do no good under the controul of the Home Secretary, but it would be good and use-

ful under the control of the corporation. He, therefore, moved that the bill be read a second time that day three months.

Mr. *Scholefield*, in seconding the motion said, there was a strong disposition on the part of the council to resist this measure. He was sure the people of Birmingham would not be satisfied with it, as it was meant to keep them down, and all that could be charged against the town was a riot which might have happened in any town. On a former evening, so convinced was he of the necessity of some police in the town of Birmingham, that he had voted for the first reading of this bill. He would now, however, oppose it, because, on better consideration, he was convinced, it would do much mischief.

Sir *E. Wilmot* had voted for the bill, but not on the ground that the corporation of Birmingham were not competent to manage their own affairs. It was well known that difficulties had arisen as to the power of the corporation to raise the rates, and until the question was settled in a court of law, it became necessary to apply to Government for an advance of money for local purposes; the Government consented to give the money, but annexed its own conditions to the advance. If the Government meant to retain the power in its own hands permanently, he would oppose the bill. If the hon. Members for Birmingham would even now say on the part of the corporation, that they would raise the money without any application to Government, he would vote against the bill.

Mr. *Wakley* thought, that the circumstances connected with this and the former bill were very humiliating to the Liberals in that House. By the former, the noble Lord, the Secretary for the Home Department, proposed to rest the nomination of the police in the local authority, which the charter had created, and that intention was cheered by the Liberals, but in ten days from that time, the noble Lord came down to the House and proposed quite a different arrangement, by which the power would be vested in the Government, and for that he was also cheered by the same Liberals. He did not blame the noble Lord, who, he had no doubt, acted with perfect sincerity, and for what he thought the best—but what was he to say to the Liberals for their conduct? They ought, in his opinion, to be called “sycophants,” instead of “Li-

berals.” As to this bill, he looked upon it as unfortunate for Birmingham and for the country, and he should vote against it.

The House divided on the original question:—Ayes 74; Noes 20: Majority 54.

List of the AYES.

Adam, Admiral	Kemble, H.
Baring, F. T.	Loch, J.
Barnard, E. G.	Lushington, rt. hn. S.
Barry, G. S.	Lygon, hon. Gen.
Bernal, R.	Macauley, T. B.
Blackburne, I.	Maule, hon. F.
Blair, J.	Morpeth, Lord
Blake, W. J.	Muskett, G. A.
Boldero, H. G.	Norreys, Sir D. J.
Bolling, W.	Palmer, G.
Bramston, T. W.	Parker, R. T.
Bridgman, H.	Philips, M.
Broadley, H.	Pigot, D. R.
Brownrigg, S.	Praed, W. T.
Bruges, W. H. L.	Price, Sir R.
Bryan, G.	Rice, rt. hon. T. S.
Burroughes, H. N.	Rich, H.
Campbell, Sir J.	Rolfe, Sir R. M.
Cochrane, Sir T. J.	Round, J.
Cowper, hon. W. F.	Russell, Lord J.
Craig, W. G.	Rutherford, rt. hn. A.
Darby, G.	Seymour, Lord
Darlington, Earl of	Somerset, Lord G.
Divett, E.	Somerville, Sir W. M.
Donkin, Sir R. S.	Stanley, hon. E. J.
Douglas, Sir C. E.	Stanley, hon. W. O.
Eliot, Lord	Surrey, Earl of
Forester, hon. G.	Thomson, rt. hn. C. P.
Freshfield, J. W.	Troubridge, Sir E. T.
Gaskell, J. M.	Warburton, H.
Graham, rt. hon. Sir J.	Wilbraham, G.
Grey, rt. hon. Sir C.	Wilmot, Sir J. E.
Hamilton, C. J. B.	Wood, G. W.
Hinde, J. H.	Wrightson, W. B.
Hobhouse, T. B.	Yates, J. A.
Hodges, T. L.	
Hodgson, R.	
Hoskins, K.	
Howard, P. H.	

TELLERS.

Grey, rt. hon. Sir J.
Parker, J.

List of the NOES.

Aglionby, H. A.	Patteson, J.
Brotherton, J.	Pechell, Captain
Buller, C.	Thompson, Alderman
Duncombe, T.	Thornely, T.
Easthope, J.	Vigors, N. A.
Ewart, W.	Villiers, hon. C. P.
Finch, F.	Wakley, T.
Hector, C. J.	Williams, W.
Hume, J.	
Hutt, W.	
Lushington, C.	
O'Connell, D.	

TELLERS.

Attwood, T.
Scholefield, J.

Bill read a second time.

COLLECTION OF POOR-RATES.] On the

question that the Speaker do leave the Chair, for the House to go into Committee on the Poor-rates Collection Bill,

Mr. *G. Palmer* moved, as an amendment, that the bill be committed that day three months. The first clause in the bill was rather introduced as a stalking-horse for the second. It gave the guardians of the poor the power to seize by distress, the goods and chattels of the overseers when the rate-payers refused to pay the rates. Now, was it not most ridiculous to talk of seizing the goods of an overseer in order to make good the payment of—18,000*l.* for instance? He should like to know how the Chancellor of the Exchequer would like to have his property seized because the taxes were not paid. He conceived the object of the Bill was more to indemnify the Poor-law Commissioners for any illegal act which they might have committed than for any thing else. Under these circumstances, he should feel it to be his duty to move the amendment he had stated.

Mr. *Hume* said, that there appeared to be in this bill great injustice and inconsistency. It was proposed to give the guardians a power of taking the property of the overseers but how were the overseers to be relieved? If there was no relief, could it be expected that any man in England would become an overseer? The second clause gave the guardians the power of appointing the collector of the rates, yet the overseers were to be punished if the collector did not do his duty. Unless the noble Lord gave some satisfactory explanation on these points, he should feel bound to vote against the further progress of the bill.

Lord *J. Russell* said, that it was his intention to propose a modification of the clause as it originally stood, and to give the guardians the power of making a complaint before a magistrate in the first instance, and then, after cause was shown, a distress might issue, if the magistrates should be of opinion that sufficient reason had not been assigned to the contrary. If the guardians were to be compelled to provide for the relief of the poor, they ought to have money for that purpose; that was all that he wanted to effect by this bill.

The *Attorney-general* observed, that as the law now stood there was extreme difficulty in obtaining the requisite funds. The guardians had to make an order on

the overseers of a parish to contribute a certain quota towards the relief of the poor of an union, but as the law now stood there were no means of enforcing that precept except by *mandamus*. Of course, when a peremptory *mandamus* went, the overseers must obey, or go to gaol. But the next time the guardians made an order upon them, payment was refused, and it became necessary to apply for a *mandamus* again; and so they went on. The parish of St. Andrew, Holborn, had acted in this manner three or four times, and a peremptory *mandamus* had issued *toties quoties*. Days, and even weeks and months, elapsed, and meantime the poor were starving. Now, he would ask whether this state of things ought to continue? Undoubtedly, there ought to be some summary and effectual means of compelling obedience to these precepts. If the overseers paid the money required by the guardians, it would not come out of their own pockets, as they had always the means of making a rate. He could assure the House, that if they meant the Poor-law Amendment Act to remain in force, this bill, or some such bill, must pass into a law.

Mr. *Grimsditch* was surprised to hear the hon. and learned Attorney-general say that there was no remedy for enforcing the orders of the guardians except by *mandamus*. Now in section 95 of the Poor-law Amendment Act, it was provided that the guardians should have the power of summoning the overseer before a magistrate for disobeying their order, and if it appeared that the overseer had wilfully neglected his duty, he was liable to a penalty of 5*l.* He trusted the House did not intend to enlarge the very extensive powers already possessed by the commissioners.

Mr. *Wakley* said, that the object of the bill was to make orders lawful which at present were unlawful, and he thought it would be most unwise to render edicts legal which were not yet seen. The bill was another specimen of Liberalism: it was an extraordinary specimen of Whiggish subtlety and sagacity. It was now said, that guardians were not to have the power of directing the magistrates to issue warrants of distress; but that the magistrates should have the power of summoning the parties and deciding according to the merits of the case. But who were the magistrates? The guardians, the *ex-officio*

guardians. So that the guardians would appeal from themselves as guardians to themselves as magistrates. He hoped the noble Lord would not persist in pressing the second clause, whatever might be determined with respect to the first.

Mr. *Ewart* thought the remedy proposed by the noble Lord as respected the first clause met the difficulty which before existed; but with respect to the second clause, he thought the proposition so objectionable, that though he should not oppose the motion for going into committee, he should move its rejection in committee.

The House divided on the original motion:—Ayes 51; Noes 16—Majority 35.

List of the AYES.

Aglionby, H. A.	Hume, J.
Baring, F. T.	Kemble, H.
Barnard, E. G.	Lushington, rt. hn. S.
Barry, G. S.	Mackinnon, W. A.
Bernal, R.	Morpeth, Viscount
Blair, J.	Muskett, G. A.
Blake, W. J.	Norreys, Sir D. J.
Bramston, T. W.	O'Connell, D.
Bridgeman, H.	Philips, M.
Briscoe, J. I.	Phillipotts, J.
Broadley, H.	Pigot, D. R.
Brotherton, J.	Price, Sir R.
Bruges, W. H. L.	Protheroe, E.
Burroughes, H. N.	Pryme, G.
Campbell, Sir J.	Rich, H.
Clay, W.	Rolfe, Sir R. M.
Dalmeny, Lord	Russell, Lord J.
Divett, E.	Rutherford, rt. hn. A.
Ewart, W.	Stock, D.
Finch, F.	Thornely, T.
Grey, rt. hn. Sir G.	Troubridge, Sir E. T.
Hinde, J. H.	Warburton, H.
Hobhouse, T. B.	Wood, G. W.
Hodges, T. L.	Yates, J. A.
Hodgson, R.	TELLERS.
Hoskins, K.	Wood, C.
Howick, Viscount	Parker, J.

List of the NOES.

Attwood, T.	Scholefield, J.
Douglas, Sir C. E.	Vere, Sir C. B.
Duncombe, T.	Vigors, N. A.
Hawkes, T.	Wakley, T.
Hector, C. J.	Williams, W.
Hindley, C.	Wood, Colonel T.
Parker, R. T.	TELLERS.
Pechell, Captain	Palmer, G.
Polhill, F.	Grimsditch, T.
Rushbrooke, Colonel	

House in Committee.

On Clause 2, relating to the appointment of collectors,

The *Attorney-General* wished to offer a few observations in explanation of this

clause. By clause 46 of the Poor-law Amendment Act, it was provided, that the commissioners should have the power of authorizing guardians to elect some officers for carrying the Act into operation. By the interpretation clause (109) of the Poor-law Amendment Act, collectors were specified as amongst the officers whom the commissioners had the power of authorizing the guardians to appoint, and he had thought till the Court of Queen's Bench had decided otherwise, that such was the fair construction of the Act. But the Court of Queen's Bench had decided otherwise, and he was obliged to bow to the decision of that Court. He could assure the House, that the greatest jobbing had been practised in the collection of the rates, and that a great deal of the money had been wasted. Each small parish had the power of appointing a collector, but the salaries of a great many of those officers were so small, that they could not be expected to give up the whole of their time to the performance of their duties, and the commissioners had thought it better to have a single collector for a whole union. Such a plan, in his opinion, could not fail of being productive of the best results, and he was sure, the House would agree with him, that to have one collector for a whole union, devoting the whole of his time to the performance of his duty, would be highly beneficial to the ratepayers, and to the public generally. Such was the plan upon which the commissioners had acted, and he could assure the House, that it had proved extremely beneficial. It had at the same time been productive of considerable discontent, because it had interfered in some degree with the disposal of local patronage, but upon the whole its tendency had been good. In consequence, however, of the discontent which had been produced, an application had been made to the Court of Queen's Bench to set aside an order of the commissioners for the appointment of a collector, and that Court had decided, that under the Poor-law Amendment Act, the commissioners had not the power to make such orders. He therefore allowed, after that decision, that such orders were illegal, and the object of this clause was to legalize them. It simply was to empower the Poor-law commissioners to authorize the guardians to elect a collector for each union, and he would ask

the House whether, that could be called an improper interference with the rate-payers? The collectors would still be the servants of the overseers, to whom alone they would be responsible. The guardians would have nothing to do with the money collected, and he trusted, therefore, that after this explanation the House would not object to the clause.

Mr. *Ewart* rose to move, that this clause be omitted. The hon. and learned Gentleman had said, that even were this bill passed, the collectors would still be in the hands of the rate payers, and responsible to them, but he could not altogether agree in that opinion. There was a great difference between an election by the body of electors, and an election by another body, interposed between the persons who ought to elect, and the person elected. If this clause were agreed to, the guardians would be interposed between the collector and the rate-payers, and in such a case there was the greatest danger that the wishes and interests of the rate payers would not be fairly represented and attended to. Was this bill in conformity with the spirit of the Poor-law Amendment Act? No, for it went to alter materially that Act, and those who were opposed to this measure, contended, that it ought not to interfere with the spirit of the existing law—that it ought only to be declaratory, and not contrary to the principle and spirit of the Poor-law Amendment Act. Now, the House would recollect that Lord Althorp had expressly stated what he considered to be the principle of that Act, on moving its introduction. He had distinctly said, that the administrative power alone was to be placed in the hands of the commissioners, and that taxation and collection were to rest with the guardians and overseers. He would ask the House, then, whether this clause were not completely at variance with the principle of the Poor-law Amendment Act as laid down by Lord Althorp? He would ask, also, whether it were not at variance with the existing law? The commissioners had issued orders for the appointment of collectors, and their authority to do so had been questioned, and the Court of Queen's Bench had decided, that those orders were at variance with the law as it stood. But by these clauses those orders were to be declared legal, so that the bill was at variance with the principle of the Poor-

law Amendment Act as it had been laid down by Lord Althorp, and it was also at variance with the law of the land as declared by the Court of Queen's Bench. He should move, that the clause be omitted.

Mr. *H. Hinde* did not object to the powers given by the clause, and his objection was to *ex post facto* legislation.

Mr. *Grimsditch* objected to this clause, because the commissioners had no power by the Poor-law Amendment Act to do what this law sanctioned and rendered legal. They had no power to issue the orders which the clause made law, and he could not think it was wise to legalize orders of which the House knew nothing. The hon. and learned Gentleman had said, that a collector ought to be appointed for a whole union; but how was that possible? The union to which he belonged contained a population of between 70,000 and 80,000 inhabitants, and how was it possible that one collector could collect the whole of the rates in a union so extensive? The fact was, that this measure was applicable entirely to some little unions in London, but it was not at all adapted to the country unions. He should certainly vote for the omission of the clause.

Mr. *Wakley*: After the explanation which had been given by the hon. and learned Gentleman, the Attorney-general, and seeing that the commissioners would gain nothing by the provisions of the bill, should not object to the clause.

Mr. *G. Palmer* said, this measure had not been demanded by the parishes for whose benefit it was professedly intended. It would deprive the rate-payers of all control over the parochial funds; they would likewise have no control over the appointment of their own officers. He should vote against the clause.

Mr. *Hume* at first was undoubtedly opposed to the clause, but as he now understood that the noble Lord did not design to alter the present law, and that the Court of Queen's Bench had put an erroneous interpretation upon the law in respect to the collection of rates, and further, that the object of this clause was to carry on the Act until next year, and to prevent litigation, he should support it.

Lord *J. Russell* begged to say a few words in reference to the orders of the Poor-law commissioners, the advantage of which had been much called in question. The hon. Member had chiefly dwelt upon

what had taken place in that part of the country with which he was acquainted. In reply to his observations, he would read an extract from an assistant Poor-law commissioner in relation to Wigan :

"As far as my experience has gone, no officers could have succeeded better than those who have been appointed at Wigan, and in proof of the advantages of the change, it may be stated, that there are at present four assistant-commissioners and three assistants at 100*l.* a-year each. Formerly the rates were collected by thirty-four persons, receiving altogether 312*l.*, as their remuneration. Here is a saving of 112*l.*, exclusive of the other benefits of the alteration, namely, that the rates are collected with greater diligence and success, and less risk and loss incurred. The money is paid over by the assistant-overseer to the treasurer of the union every week, instead of being left, as it formerly was, in the hands of almost irresponsible and unpaid overseers; and the treasurer is always ready to make advances."

He had read this in order to correct the mistakes which seemed to prevail on this subject. It was clear, that the orders of the Poor-law commissioners had tended to the better collection of the rates.

The Committee divided on the Clause :
—Ayes 47 ; Noes 5 : Majority 42.

List of the AYES.

Aglionby, A. H.	Morpeth, Viscount
Baring, F. T.	Muskett, G. A.
Barry, G. S.	Palmerston, Viscount
Blair, J.	Parnell, rt. hn. Sir H.
Blake, W. J.	Pechell, Captain
Bramston, T. W.	Philips, M.
Briscoe, J. I.	Pigot, D. R.
Broadley, H.	Price, Sir R.
Bruges, W. H. L.	Protheroe, E.
Burroughes, H. N.	Rich, H.
Clay, W.	Rose, rt. hn. Sir G.
Campbell, Sir J.	Round, J.
Chute, W. L. W.	Rushbrooke, Colonel
Cochrane, Sir T. J.	Russell, Lord J.
Dalmeny, Lord	Rutherford, rt. hn. A.
Finch, F.	Scholefield, J.
Grey, rt. hon. Sir G.	Stock, Dr.
Hobhouse, T. B.	Troubridge, Sir E. T.
Hodges, T. L.	Vere, Sir C. B.
Holmes, W.	Vigors, N. A.
Hoskins, K.	Warburton, H.
Howick, Viscount	Yates, J. A.
Hume, R.	TELLERS.
Hutton, J.	Mr. Solicitor-General
Kemble, H.	Parker, J.

List of the NOES.

Grimsditch, T.	Wood, Colonel T.
Hodgson, R.	TELLERS.
Palmer, G.	Ewart, W.
Polhill, F.	Hinde, J. H.

Clause agreed to.

House resumed. Bill to be reported.

HOUSE OF LORDS,

Thursday, August 8, 1839.

MINUTES.] Bills. Read a third time:—Judges and Jurors (Ireland).

Petitions presented. By the Bishop of London, from South Moreton, for the Protection of the Established Church (Canada).—By Lord Ellenborough, from Paper Manufacturers of London, against the use of Stamped Paper for collecting the Postage.—By the Earl of Fingall, from Roman Catholics of London, in favour of the Ministerial plan of Education.—By Lord Brougham, from Aberdeen, for a Uniform Penny Postage.

SLAVE-TRADE—ANSWER TO THE ADDRESS.] The Duke of Argyll (as Lord High Steward of the Household) announced that her Majesty had been waited on with the Address agreed to by their Lordships on Friday last (relative to the Slave-trade), and to which she had returned the following most gracious answer. The noble Duke read the Answer:—

"I receive this Address with great satisfaction.

"I will direct orders to be given to my cruisers in accordance with your wishes, fully relying upon your assurance, that you will concur in the measures which will thus be rendered necessary."

Address and Answer to be printed and published.

SHANNON NAVIGATION.] Viscount Duncannon moved the second reading of the Shannon Navigation Bill, the object of which was, to improve the navigation of one of the finest rivers in Ireland. The whole amount that would be required to carry into effect the purposes of the bill was estimated at 580,000*l.*, and from that outlay the most beneficial results might be confidently anticipated.

The Duke of Wellington said, this was one of those bills with which, according to the usage of that House, their Lordships could not interfere. He, however, objected to the proposed issue of so large an amount of Exchequer bills at the present moment; and it would be much better if the issue were spread over a greater portion of time. Such grants ought to be brought under the consideration of a Committee of Supply, instead of giving such powers as were recognized by this bill.

The Marquess of Lansdowne was glad to perceive that the noble Duke did not object to the principle of the bill. But the noble Duke felt some alarm at the large amount of Exchequer bills of which the bill would authorize the issue. But

he could state confidently, that it was not intended that any large proportion of that amount should be issued at once. In the course of next year not more than 60,000*l.* would be issued in Exchequer bills under this measure. The entire amount would be diffused over the four, five, or six years, during which the works would be in progress.

Lord *Ellenborough* remarked, that the entire sum was to be divided into 276 portions. Of these, six were to be borne by the county of Limerick, and only four by Limerick itself, although that city would be more benefited by the measure than all the rest of Ireland. Could this system of apportionment be defended on any principle of justice or fair play? It was the grossest job he had ever heard of.

Lord *Fitzgerald* said, that the proportions to be advanced were to be calculated according to the amount of the sum which each county and district would be called on to reimburse. The bill was called for by an unanimous representation, not only from every county through which the Shannon passed, but from many others. He congratulated the House and the country with which he was connected, upon the general assent to the principle of the bill. The objections which had been urged by the illustrious Duke would be amply provided for by the declaration on the part of the Government, or at all events, they might be easily obviated in committee.

The Duke of *Richmond* was of opinion that improvements of this description should be effected through individual enterprise, or by public companies. If the principle of making a state provision for such purposes were once admitted, Scotland would make similar applications, and how could they refuse to that country what they conceded to Ireland? At the same time, he would not object to the bill, which he thought would be a great advantage to the part of Ireland for which it was intended.

The Marquess of *Lansdowne*, as his noble Friend had alluded to Scotland, would beg to remind the House of the case of the Caledonian Canal, where the public money had been squandered in an unjustifiable manner by the unanimous consent of both Houses of Parliament. The present bill contained the most secure provisions against any such extravagant outlay. A more unjust objection than that raised by

the noble Baron opposite (Lord *Ellenborough*) he (the Marquess of *Lansdowne*) did not remember. In looking for a job, the noble Baron said, the city of Limerick was benefited the most, and was called upon to pay less than any other part of the country which would be benefited by the improvement of the Shannon. Did not the noble Baron remember—for he had voted for the bill three or four years ago—that the city of Limerick was at this moment under an enormous amount of local charge for the improvement of the quays from which both the parties on the Upper and Lower Shannon were now deriving great advantage, though they had not contributed at all to those erections, and therefore nothing could be more unjust than to call upon the city of Limerick to pay anything for the improvement of the navigation except in proportion to the share it occupied. Not the city of Limerick alone, but every county which touched the banks of the Shannon, or approached that river by canals, roads, or rivers, would derive a collateral benefit from this, which he must designate as one of the greatest plans for public improvements—combining as it did public and private resources—that ever had been submitted for the adoption of Parliament; and he could not doubt but that their Lordships' sense of the justice of the case would dispose them to give a cordial and hearty assent to it.

The Earl of *Ripon* had read the report of the commissioners, upon which the bill was founded, and he must not only bear his testimony to the great utility of the measure, but state his conviction that the work would effect one of the greatest improvements that could be made in Ireland. It seemed, however, that under this bill half the money was to be a gift, which made him anxious that her Majesty's Government should look with greatest vigilance to the state of the Exchequer-bill market, for if they did not early redeem the Exchequer-bills, they would find themselves in a great difficulty.

The Marquess of *Westmeath* was afraid, that from the conversation which had taken place, it would go forth that this measure went only to improve private property. It should be remembered that the river Shannon was the property of the Crown, and that the proprietors on the banks of that river might complain of it as a nuisance, if the Government did not provide for that which it was impossible for

any private company to do—namely, to remove the natural obstructions which, from time to time, would interfere with its course, and to guard against injuries to property by the superfluous back water.

Lord *Lyndhurst* objected to the appointment of a new commission. There was already existing a commission under a bill passed three or four years ago for the consolidation under one board of all public works in Ireland, and he wanted to know why the proceedings for the improvement of the Shannon navigation should not be placed under that commission? It might be necessary, perhaps, to appoint a new commissioner; but that was not all that seemed to be thought necessary, for when he looked to the clause he found that not only was there to be a new commission, but that the commissioners were empowered to appoint, with the consent of the Treasury, other officers under them—to appoint an engineer, a surveyor, a secretary, and such other officers as they might think necessary, and those officers might be dismissed at the pleasure of the commissioners. Now, all that machinery existed under the present Board of Works, constituted under the provisions of the 2nd and 3rd of William 4th, the principle of which act was to consolidate all such commissions and form them into one board. He believed, that the noble Viscount would find that Colonel Burgoyne, who was at the head of the Board of Works, was of opinion that the whole business of the Shannon improvement might be conducted by that board, with the addition of one more paid commissioner, and that all the subordinate officers, such as engineer, surveyor, secretary, &c., that now were officers of the existing board, were sufficient to conduct the business of this bill. He trusted the noble Viscount would take the suggestion into his consideration.

Viscount *Duncannon* said, that at present the Board of Works, was completely overcharged with business, and the attention of every person employed under it, was required for the matters already in hand. Colonel Burgoyne, therefore, had wished that a new commission, composed of himself, Major Jones, who was to be paid, and of Mr. Griffiths, who was unpaid, should be appointed, in order that the works in which the board was engaged might not be embarrassed.

Lord *Lyndhurst* repeated, that this bill

contemplated the appointment of new engineer, secretary, surveyor, and solicitor. Now, he held in his hand a copy of the letter of Colonel Burgoyne, in which that gentleman said, "It appears to me that the present commission, with Mr. Griffiths and Major Jones, would make an efficient and proper board. Of these only one, Major Jones, will require to be paid, and probably it will not be necessary to have a secretary," he said nothing of engineer, surveyor, or solicitor, but he mentioned "a secretary and some additional clerks, until a system of organization was perfected." So that, instead of all the machinery proposed by the bill, all that Colonel Burgoyne contemplated was the appointment of a secretary and some additional clerks. He (Lord *Lyndhurst*) apprehended it would at least be more economical to adopt the course suggested, which was consistent with the letter of Colonel Burgoyne, with which he had been furnished by consent of the Chancellor of the Exchequer.

Bill read a second time.

UNLAWFUL OATHS — GOVERNMENT OF IRELAND.] Viscount *Duncannon*, in moving the committal of the Unlawful Oaths (Ireland) Bill, said, the subject to which the bill related had engaged for the last twenty or thirty years the attention of the Government in Ireland, and an act (50th Geo. 3rd) was passed to enable the Government to put down parties bound together by unlawful oaths in that country. That Act was amended by another statute, the 59th of Geo. 3rd, which was found, however, to be equally inefficient, and eventually a representation was made to the Government to extend the powers of another Act (4th Geo. 4th) to Ireland. That application was made to the Government in a very able dispatch of the Marquess Wellesley, which stated the matter so clearly, that he would read an extract to their Lordships. It was addressed to Sir Robert Peel, dated the 29th of January, 1823, and was as follows:—

"I have not referred in this despatch to the dangerous system of associations, under the obligation of secret and mysterious oaths. Having some time since submitted to you a separate dispatch, relative to the trial and conviction of several persons denominated Ribbandmen, I added to that dispatch some observations, suggesting the necessity of strengthening the law of Ireland against the peril of those societies. The question of the increase

or diminution of the spirit of this association is stated differently, according to the particular views, imaginary interests, and flagrant zeal, of conflicting parties. In this contention (ludicrous in principle and theory, but mischievous to the State in practice) it is at least an advantage to the King's Government to have completely detected and publicly exposed the whole craft and mystery of the Ribband conspiracy. And I cannot believe that such an exposure, accompanied by such convictions, sentences, and punishments, should neither assuage the zeal, nor abate the bravery, of these covenanters, nor relax the holy bond of their illegal oaths, and treasonable contract. But I request your attention to the suggestions which I have submitted for the more effectual restraint of this system of mysterious engagements, [formed under the solemnity of secret oaths, binding his Majesty's liege subjects to act under authorities not known to the law, nor derived from the State, for purposes undefined; not disclosed in the first process of initiation, nor until the infatuated novice has been sworn to the vow of unlimited and lawless obedience. The vigour and activity of the law should be exerted to extirpate this mischief, which has been a main cause of the disturbances and miseries of Ireland. The mystery is now distinctly exposed; I, therefore, anxiously hope and trust, that his Majesty's Government will add to the various benefits which they have already imparted to this country, the inestimable favour of abolishing by law in Ireland an evil which has been abolished by law in England.]

The Act in question was extended to Ireland, but still it was found very difficult to put down illegal societies, and they had engaged the attention of the Government from time to time from that period up to the present moment. It had always been found extremely difficult to fix the guilt on persons who had taken unlawful oaths, although it was well known that there were such persons in many parts of Ireland. This subject had also engaged the attention of her Majesty's Government during the past year, and in consequence of information which had been received, the present bill had been prepared. He would now only allude to that part of the bill relating to the use and possession of pass-words, for the purpose of stating that he hoped to meet an objection which had been started by a noble Lord opposite by inserting the words "without lawful excuse." The object of the bill was to discover and punish those who used pass-words, and it was necessary that the law should be severe, or the suppression of these illegal societies could not be effected.

Lord *Wharnccliffe* said, it was very far from his intention to do anything to defeat the object of the bill, but he wished to draw the attention of their Lordships to some facts in connection with this question. The Government seemed to think it necessary to do something more than the present laws could do in order to reach what he could not but consider a dangerous system of conspiracy prevailing in Ireland. But why had nothing been done before? It appeared that on Monday, the 15th of July, this bill was brought into the House of Commons by the Solicitor-general for Ireland, and it was possible that a notice of it might have been given on the previous Friday. The bill was presented and read a first time on the 16th of July, and read a second time on the 18th, after 12 o'clock at night; on the 19th it was considered in committee after 12 o'clock, and reported on the following day; and on Monday, the 22nd, it was read a third time and passed, without any debate whatever, being the last day on which their Lordships' committee sat for hearing evidence on the state of crime in Ireland. He thought, that he had a right to complain of the late production of this bill. It was true, that every one of the practical characteristics of Ribbandism was made clear by the bill, and subjected to transportation; and it could not but be admitted that Lord Wellesley's letter must have furnished some grounds for its provisions. But the Government had done nothing year after year, though it had been repeatedly twitted in both Houses of Parliament with neglecting to suppress these mischiefs until after the committee, whose report was now before their Lordships, had commenced sitting and hearing evidence. If no other good should result from the appointment of that committee he must say that this circumstance alone was a proof of its utility. Their Lordships were well aware that great anxiety for an inquiry into the state of Ireland had existed for some years amongst the gentry of that country; but it was found impossible to obtain it in the other House — at least such an inquiry as would clearly and satisfactorily ascertain what was truth and what falsehood. His noble Friend (Lord Roden) having over and over again called the attention of the Government to the subject, at last determined to take the vote of the House, as to whether the gentlemen of Ireland having made repeated

complaints, their Lordships would refuse them an opportunity of going into the grounds of their complaints before a committee. Their Lordships agreed, in opposition to the Government, to the appointment of the committee, and that was followed by a resolution of the House of Commons, which was carried by a majority of 22, by which that House declared, that they were ready to acquit the Irish Government of all blame without any inquiry. But their Lordships were determined to inquire first, before they gave utterance to any decided opinion upon the subject; not choosing to follow the example of the other House, and decide without inquiry. Was it to be supposed, that if their Lordships saw the rights of peaceable citizens interfered with, and endangered by illegal proceedings and ineffective government, they were to remain silent? Did the noble Baron (Lord Holland) mean to say, that the House of Lords had not the power to inquire into the administration of justice by any public officer or public body in any part of the Queen's dominions, and that it was not as much the business of their Lordships to do so, as of the House of Commons? He repeated, then, that a resolution exculpating the Irish Government from censure, was passed in the House of Commons by a majority of twenty-two; which, be it observed, was not a very large majority, there being forty Members of a particular party there, besides others, of whom something might be said in connexion with the formation of majorities in that House. That majority was only equal to about one-half of a number of persons not directly, but indirectly, impugned, or who were the supporters of the Government of the noble Marquess, and therefore the resolution must naturally have been acceptable to their feelings and views. The committee appointed by their Lordships, had not escaped from censure. They had been blamed for not making a report of their opinion upon the evidence, but, that, under the circumstances, was not their duty; and if they had expressed an opinion, probably it would not have been satisfactory to those who wished for one. Then the composition of the committee furnished another ground of complaint to some noble Lords. When it was first appointed, it consisted of ten noble Lords on his side of the House, and eleven on

the other. A noble and learned Lord was subsequently added to the list, who certainly could not, according to the views of the noble Viscount, be called a supporter of the Government. It might be truly said, that fewer supporters of the Government sat upon the committee than others. But whose fault was that? If noble Lords on the other side did not choose to attend, they themselves were to blame. If the proceedings and the committee were unfair, it was in the power of noble Lords to alter it by attending the committee. He could only say, that every means were tried to get a regular and full attendance of the committee, and if the attendance, in point of parties, was as thirteen to five, he must say, that the fault was chargeable on those noble Lords who were appointed on the committee, and did not attend. The noble Marquess had said, that there were many subjects connected with the state of Ireland which still remained untouched; but he did not say, that the committee had not completed their inquiry into many subjects. Undoubtedly there were many points which the committee had not time to go into, but they had not absolutely said, that the inquiry should not be resumed; on the contrary, they had entirely left it to the House to decide that question. There was one point, for instance, on which very erroneous opinions prevailed—the degree of influence at work in almost every department of the Government. But the evidence already collected, might be found to bear very much upon that point. He would speak, however, principally of that part of the evidence which related to the bill now under discussion. Since the rebellion of 1798, it appeared, that a Riband Society had existed in Ireland, and it had been said, that it was established as a defensive body against the Orangemen. The whole of the evidence taken before the committee, however, was against that supposition, for, on the contrary, it rather seemed, that the establishment of Orange societies was merely a defensive precaution against the Riband societies established in 1798. These Riband societies had gone on increasing from that time to the present, and they had ever had the same objects in view, varied in some slight degree, it might be, to suit the differing political circumstances of the country. In 1822, certain persons had been prosecuted in

Dublin, for having been connected with those societies. Mr. Kemmis, who had been examined before the committee, was then the Crown prosecutor, and a person of the name of Michael Keenan, and another of the name of Brown, were tried for administering unlawful oaths. The speech of the Attorney-general of that time, in opening the case, so exactly described those societies as they at present existed, that he could not refrain from quoting it. He said—

“It is with great pain, that I feel myself called upon, in the exercise of my official duty, to lay before the public the very odious, dangerous, and disgusting conspiracy, by the machinations of which this country has been for some time infested, and its tranquillity exposed to hazard. For some time past (how long, I am not exactly aware—more, I believe considerably more, than two or three years), a plan has been formed in Ireland for associating the members of the community by unlawful oaths and engagements, to resist the laws, disturb the public peace, and overthrow the established Government. The machinery by which it is sought to effectuate these purposes is one of a very complicated nature, and evincing much consideration and contrivance. Its construction is extremely artificial, and far beyond the capacity and abilities of such persons as will appear to you to have been engaged in it. The course was, first to have lodges formed, the number of men in each of which was not limited, but seldom exceeded thirty or forty. Each of these members was bound by an oath to be of the society, to conform to its rules, not to reveal or divulge its secrets, and to obey the order of his superior. Each of these lodges had a master who was to represent his lodge in the baronial committees; from these baronial committees, delegates were appointed to represent the counties; and from these, delegates to attend at provincial meetings; and from these, again, delegates to the national meeting; thus, finally composing a general association, affecting to represent the entire community. Gentlemen, it is a great satisfaction to me, to be able to state, that to this confederacy no person of any consequence or consideration has been discovered to belong.

“It is at all events clear, that it has been founded for the purpose of violating the law, and interfering with the constituted authorities; and more than all, of infecting all orders of the people with a spirit of infuriate disaffection and insubordination, ready for any plan of mischief, should the exigencies of future times give that occasion, of which the present tranquil state of the world affords no immediate prospect. One feature, however, of this combination distinguishes it from those of 1797 and 1798. It is exclusively confined to persons of one religious persuasion—I

mean to persons professing the Roman Catholic faith. This circumstance alone, on the face of it, stamps the association with every mark of danger and illegality.

“The association has already extended into several neighbouring counties, and it is intended to embrace the whole kingdom. It is, however, not connected with the outrages which have for some time past disgraced the south of Ireland. Its object is rather the hatching of mischief to be brought into future operation. They condemn the disturbances in the south, and regret their premature appearance; their design is to wait until some period of danger and of difficulty, when they hope by a vigorous and united effort, to be able to shake the whole frame of our civil polity to its centre.

“All, however, are agreed in these points—to observe the commands of any person, who, by their rules, may be their superior, to veil their proceedings in profound secrecy, and to subvert the present system of laws and government.

“Another object in view was to overturn the Protestant religion, and establish the Roman Catholic in its stead. At another time, they proposed the utter extirpation of all Protestants out of the country.”

“The bond by which its members are held together, is an oath or engagement of the nature you have heard described. They have conducted their plans with considerable secrecy.

“No immediate danger, it is true, is to be apprehended from persons of this character and description; but, Gentlemen, it is a formidable thing—an alarming thing, to know that a conspiracy is on foot, and has been going forward for years in the land—that bands of wretches have been from night to night, meeting in the heart of this our city, endeavouring to poison the minds of all orders of the people, and prepare them for the perpetration of any mischief, to which any future emergency may afford opportunity and temptation.

Such was the account given by the then Attorney-general of those societies as they existed at that time, and the description to a word fitted their actual condition and objects now. He thought, then, they might fairly conclude, that these societies had existed for a considerable time; and the only questions which they had to consider were, how far they had increased? whether their objects were now different? and whether they were to be viewed as dangerous to life and property, and as rendering both insecure? Such had been the objects which the committee had in view, and to the elucidation of those questions they had called several witnesses, and it was worth while to consider for a

moment who those witnesses were, and what were their characters. With respect to all those witnesses, he thought it right to say, that much as he had been in the practice of hearing evidence, he had never seen brought before him a body of more intelligent men, or men more capable of giving their evidence in a satisfactory manner. They did great credit to the intelligence of the country, and he had great pleasure in thus stating his opinion of their character and conduct. But who were those persons? Were they picked out by his noble Friend behind him (Lord Roden) from party feeling, or because they were attached, and favourable to the party to which his noble Friend belonged? No; for, with one exception, they were all persons in the employment of the Government. Some were stipendiary magistrates, others belonged to the constabulary, and all were men of great knowledge and experience. They had also had before them the commissioners of police of Dublin, and finally Mr. Drummond, the Under Secretary for Ireland. They had had before them, as witnesses, Major Warburton, inspector of police, Major Rowan, Mr. Faussett, Captain Despard, Captain Tracy, Captain Warburton, Mr. Wright, and a great many others. Besides these, they had the two commissioners of police for Dublin, and all the Crown Solicitors. These persons all agreed that, more or less, those Riband societies existed in Ireland. They agreed that the members of those societies were bound together by oath, some giving information relative to one part of their proceedings, and others with respect to other parts; and, for the most part, it was stated, that not the least doubt could exist as to the existence of those societies: and that, whatever might be their object, they were so organized as to make it easy to convert them to purposes fatal to the peace and tranquillity of the country. Mr. Drummond had tried to depreciate the evidence of Mr. Rowan, which, he must say, appeared to him clear and satisfactory, and well worthy of their Lordships' consideration. Before, however, comparing his evidence with that which had been given by the other witnesses, and showing its general correctness, he must observe, that no one was justified in stating that his evidence had not been substantially borne out by the rest of the witnesses. There could be no doubt of the correctness of the facts of

which that gentleman poke. But let them even take away the whole of the evidence adduced by Major Rowan, and let them suppose that he had never spoken a word upon this subject, yet there was abundance of evidence remaining to show, that those societies did exist, that they were full of danger, and that they were connected, in a material degree, with the outrages and crimes of which Ireland had unhappily been so long the scene. It was possible, he was ready to admit, that persons who had communicated information to Mr. Rowan on this subject had been guilty of exaggeration, and that they had taken mere matters of conversation relative to those societies, as illustrative of the serious designs of their members; but, leaving Mr. Rowan's evidence out of the question, there still remained enough to show the existence of those societies, and the danger to which they exposed the country. He would come to the evidence of Captain Despard, a stipendiary magistrate, and one who had been rather an unwilling witness, as he had been reluctant to make certain communications to the committee without the authority of the Government. He did not mean to say, that he had been improperly unwilling to give evidence, but only that he had been extremely cautious, and anxious to have the authority of the Government in making certain communications to the committee. Captain Despard had explained the objects of those societies, and the manner in which they carried on business. He said—

“It has been detailed to me by a person I examined, that in the event of anything being done which was obnoxious or unpleasant, as he said, to the people of the neighbourhood, a committee sits upon the person who does that act; that this committee consists of committeemen and parish masters, and they decide upon the punishment which is to follow. If the man is to be beaten, a party is brought from many miles off to beat; if he is to be shot”—I think the word of the man was—“may be one man is appointed to do it, and he must, for whoever is ordered must obey. I think those were the words of a man I have examined.”

If a part of the country was to be raised, it appeared “that a man is sent from, say a lodge in Dublin, to the nearest town, with a verbal message, which he delivers to one person, who delivers it to three, each of whom delivers it to three more,” and so on till the whole district is raised. Captain Despard also explained the nature of the pass-words and

quarrelling-words, as they were called. The pass-words were generally short sentences, sometimes in verse, and the quarrelling-words were used to point out a person to be beaten or maltreated. When the man was indicated by the quarrelling-word, he was immediately marked, and then an opportunity was taken of beating him on his way home, by a person brought from a distance. Captain Despard was not the only person who stated these facts, and it appeared quite clear from the whole of the evidence, that the information which he had given to the committee was quite correct. He said that one of the statements which had been made to him on this subject by a person he had examined, bore evident marks of truth and had been corroborated upon oath. But all the evidence he had taken had been to the same effect, and had also been sworn to. Captain Tracey had stated that those societies sought by force to obtain their objects, that they turned out whole districts, but not till they had received the sanction of their leaders; and regarding their leaders there was much mystery. It was generally understood that a directing committee sat in Dublin, sometimes in Armagh, and, he believed, sometimes in Belfast; but that part of the subject was still involved in considerable obscurity. Major Brown had, however, stated, that of the fact of a leading body existing there could be no doubt. He had said that it was clear that some person directed the operations of the societies, for all their business was contrived in a way which showed great cleverness and ability. Major Brown was a Commissioner of police, of great experience, and he had stated that he had no doubt of the existence of Riband Societies, independent of the Trades Societies for Dublin, with which it was sometimes attempted to connect them. He had also corroborated the evidence of Mr. Rowan, and given it as his opinion that Mr. Rowan had not gone too far in the evidence which he had given before the committee. When asked what the difference of opinion between him and Mr. Rowan was, he had stated that he believed pass-words existed, but that he doubted whether all the members of those societies would consent to assassination. There was, however, nothing in Major Brown's evidence to contradict in any material point the statement made by Mr. Rowan. Now, Major

Brown had taken great pains to obtain information on this subject, and had been employed by the Government to inquire and make a report upon the subject, and there was really, after all, nothing contradictory of Mr. Rowan's evidence in the evidence adduced by Major Brown. The pass-words were stated to be changed every three months, and they were given out at the meetings of the parish committee by the master. The people paid a small sum for the benefit of those pass-words, and it was supposed that a person possessing one of them might pass through Ireland without molestation. If these pass words were detected and found out they were instantly changed. In speaking of those societies, it was curious, that, although they pervaded a great part of Ireland, and particularly the middle counties, viz.—Meath, Westmeath, Sligo, Longford, Queen's County, part of King's County, Dublin, and other parts—yet they did not prevail so much in the south, and it was more extraordinary still that they were not known to exist in Tipperary. One asked naturally, what was the reason of this, and the answers of some witnesses were, that where the mass of the people were Roman Catholics such societies were not required, because being the most powerful body any defence of this kind was unnecessary. It was clear that those societies at present were established by Roman Catholics, and it was evident from the trial to which he had alluded in 1822, that such was also the case then. It could not be doubted that a great part of the outrages in Ireland arose out of the disputes about land. Some of those attacks were directed against the landlords, but generally they were directed against the tenants. The course pursued was to send a threatening notice, and if the party did not at once obey the orders contained in that notice, a person was brought from a distance who was employed to waylay the party and beat him, and in some instances murder was committed. But the system of bringing strangers from a distance to commit those crimes rendered it difficult, and often impossible, to find out the criminal, and notwithstanding the efforts of the Government the murderer often went unpunished. The noble Lord was understood to say, that doubt had been thrown upon the statement that these murders were com-

mitted by strangers, but he must take as better evidence, the statements made by those magistrates who were living in the parts where the murders were committed, and they universally agreed that they were committed by strangers; and not only so, but they had information supplied to them on oath, after the thing had occurred, how the whole business was managed, and even to what part of the country the parties had gone to get persons to perform their vengeance. But there was another reason why it was no easy matter to penetrate the mystery in which the proceedings of the Ribandmen were involved, and why it was difficult to procure evidence; and this was the fact that the parties who gave evidence gave it in danger of their lives. It was also difficult to get at evidence which would lead to a conviction, because one of the things which the members of these societies were bound to do was to go into a court of justice and perjure themselves in order to get off their accomplices. If then it was true, in the first instance, that any person who gave evidence against the Ribandmen was in danger of his life, and that there were plenty of persons ready to commit perjury on his behalf, it was no wonder that discovery was difficult. There were many persons who said, that one of the objects of the society was to have a large body of men always ready to turn out on a short notice, for what object, indeed, they did not know; some said for one thing, and some for another, but they said, that although there were now no people of consequence who belonged to the society, yet when they once turned out, there were persons of consideration who would be placed at their head. Their Lordships had heard of speeches which had been made, in which it was said, that in Ireland her Majesty would have ready to turn out for her, 500,000 men. He did not know how far the persons who made those speeches were aware of the existence of this conspiracy, but he did not know any better mode of carrying the threat into effect than by means of this conspiracy. He could not help thinking, that if there were persons who knew that such a society existed, they might threaten in such a way that they might make their threats good at any time. This was certainly not a matter which could be proved, but if the persons who made use of such language meant any thing more than idle words,

they had this conspiracy at their hands, and it would be difficult to conceive any better mode of carrying the threat into effect. He would now turn to the evidence of Mr. Drummond, who said he did not believe that the objects of the society were such as had been attributed to them. He said, that the masters of Riband lodges were generally publicans, and as the persons who were members paid a small sum of money towards the society, Mr. Drummond thought it was the desire of gain which influenced the publicans to become masters of these lodges. He certainly believed, that generally they were publicans, and it appeared that payments were made by members, and that accounts were kept of the sums paid, but he believed that no account was rendered of the way in which the money was expended. He could not believe, however, that the society would have gone on for so many years, and that the members would have continued to pay their money, without some ulterior object. He imagined that those persons conceived they would get some good from the society, or else they would not belong to it. He said, therefore, that this was no argument—at least not an argument satisfactory to his mind—against the existence of the society with ulterior objects. Another ground for the incredulity expressed by Mr. Drummond, was the character of the informers. Mr. Drummond did not, indeed, deny the existence of the society, but he denied its power. He spoke of it as a rude organization, and a clumsy contrivance. He spoke with contempt of their power to upset the institutions of the country, but he by no means denied the existence of the society. Mr. Drummond founded one of his objections on the character of the informers. Undoubtedly, if they had taken an oath to the society, and afterwards come to give information about it on oath, the first thing that struck the mind was, that they had already perjured themselves. They were also persons in low life, and in want of money, and they were also accomplices. All these things indisposed the mind to receive their testimony with credit. These objections, however, to the testimony of informers had always existed, and must always exist. It was impossible to get respectable persons to give evidence against their accomplices, for they would feel themselves bound by their first oath, and it was not, therefore,

sufficient for him to be told, that because the informers were of perfectly bad character, he must totally disbelieve the existence of the society. These were the principal grounds on which Mr. Drummond disbelieved the power and extent of that society, and he had shown why he did not think Mr. Drummond's reasons of sufficient weight. He must observe, that it appeared by the evidence, that there was undoubtedly a feeling on the part of those people, that the parish priests, although they from time to time decried the society, were glad that it existed, and would make use of it at an election. He did not mean to say, that his mind was made up on that point, but there was evidence to show, that there might be cases in which such things would occur. The result of the evidence on his mind was this, that there existed a conspiracy in Ireland, the objects of which certainly were directed to agrarian purposes, and which was made use of for the purpose of vengeance, and deterring people from taking land; but with respect to more serious objects, and particularly the design of overturning the Protestant religion, and substituting the Catholic religion in its stead, there was not evidence sufficient to show that such objects were contemplated. There was, however, much evidence to show, that there were a great number of persons who had those objects in view, many of the pass-words were of a political complexion, and though he could not say that the objects of the whole society were political, there were a great number of persons belonging to it who were ready to make use of it for that purpose. No person could go through the evidence without believing that the country gentlemen in many parts of Ireland were surrounded by a conspiracy, and he must say, that it was too hard to expect, that their complaints should not be heard both in that and in the other House of Parliament. He must say also, that the country gentlemen of Ireland, notwithstanding what had been said of them, were fully aware of their duty, ready to improve their estates, and make their tenants comfortable, and the evidence showed, that they made a sparing use of the power of ejectment. It was proved by the evidence of most respectable witnesses, one of whom was Mr. Cahill, a Crown solicitor, that there was no truth in the charge which had been made, that

the gentlemen of Tipperary had made ejectments by wholesale. It was true that ejectments took place, but that was not for the purpose of getting rid of tenants, but of collecting arrears of rent. He thought it hard, therefore, that the country gentlemen should be told by the Secretary for Ireland, that "property had its duties as well as its rights." It would have been well if they had been told so quietly in a private room, but when it was written in a letter, which was meant to be, and was instantly published, the whole country must believe, that it was intended as a censure upon those gentlemen. He could not but say, that this expression of Mr. Drummond was most imprudent, and must have irritated the tenants. He was afraid that he had entered into this question at too great length, but he could not close his remarks without saying what in his opinion was the real reason why Ireland was not suffered to remain quiet. He was happy to say, that he had come from the committee with his mind satisfied that a better moral feeling had arisen in Ireland than existed some years ago. This improved state of moral feeling was shown to be exhibited by the country gentlemen, and he was in hopes that in time it would produce its proper effect. But there were in Ireland elements which could not but interfere with the progress of these results. They would find that assaults, and murders, and other acts of violence, always followed political agitation. There were persons who made a profit of this. The peasantry were told that their superiors were their enemies; the gentry were pointed out as "bloody Tories," and "bloody Sassenachs," and not only as a body, but individually. He was sorry also to say, that there was a leaning on the part of the Government towards those persons and the party to which they belonged. So long as that lasted he could not believe that there was any prospect of peace for Ireland.

The Marquess of *Normanby* would not have obtruded himself upon the attention of their Lordships were it not for some observations which had fallen from his noble Friend at the beginning of his speech, and a few words at its conclusion. He should not detain their Lordships longer than was absolutely necessary, looking as he did at the unpromising state of the House, which afforded a striking contrast to its appearance two nights back.

His noble Friend opposite had taken credit for the committee, as having caused the Government to prepare this bill; but, in fact, it had engaged the attention of the Attorney-general a long time before he left Ireland, and the very first time that his hon. and learned Friend the present Solicitor-General for Ireland addressed the House of Commons, he had stated that it was his intention to introduce such a bill. His noble Friend had also taken credit to those noble Lords who supported the motion on a former evening for the smallness of the minority. He did not exactly see the inference which his noble Friend had intended to draw from that circumstance, but he begged to remind him that of those who formed the minority on that occasion, several were members of the Government who could not attend on the committee, even if the objections which they entertained to the constitution of the committee had not sufficed to prevent them. His noble Friend had also said he did not see why he might not have attended on the committee; but he would call to the recollection of noble Lords that on a former occasion, when that subject under was discussion, his noble Friend observed, that he had very properly withdrawn from it, as his own conduct was involved in the inquiry. With regard to the existence of Riband Societies, he would address himself to a portion of the report which his noble Friend had wholly omitted to notice—he meant the evidence of Mr. Rowan, and the information sent by that gentleman to the government at Dublin last year. His noble Friend had, in stating the case, completely thrown away his principal witness. When noble Lords heard what was the nature of that evidence and that information—when they found what a very credulous gentleman (as he was described by one witness) Mr. Rowan was, they would perhaps, not be surprised at his noble Friend's silence upon that part of his case. With regard to the society, however, he must say, that take the last account his noble Friend had given of the nature and object of this conspiracy, and there was very little difference between them on the subject. He had always admitted that a conspiracy existed in Ireland ostensibly addressed to agrarian outrages. That was, in his opinion, all that had been established. He could, indeed, scarcely conceive a greater discrepancy than that which ex-

isted between the announcement of the noble Earl, when moving for the committee, and the case as attempted to be proved by the evidence before the committee. What were the words of the noble Earl?

“The subject was that of a conspiracy in Ireland—a conspiracy systematic, organized, and secret, and which was directed against the life and property of all who would not join it, and support the treasonable objects which its members had in view. From that conspiracy the poor farmers were the greatest sufferers; for, however anxious they might be for security, peace, and quiet, yet if they refused to join this conspiracy, or to obey the dictates of its members, they were visited at night, beaten, maltreated, and exposed to the greatest cruelties.”

[The Earl of Roden: Hear!] The noble Earl cheered; he would be glad if the noble Earl would point out where his assertion was made out by the evidence. The noble Earl went on to say:—

“The object and ultimate aim of the Riband conspiracy was exactly the same as those of the Precursor Association—namely, separation from England, in which was involved the annihilation of the Protestant faith. Such, he believed, were the chief objects of both bodies. He had stated before, that the Government were acquainted with the existence of that conspiracy from the investigations of its own officers, and he well remembered, that when he made that statement, the noble Marquess opposite had said, that he knew nothing of such a conspiracy, and, if he recollected right, the noble Marquess also added, that he did not believe such a conspiracy existed.”

Now, he appealed to his noble Friend opposite, whether he had not asserted his belief, that the evidence did not bear out the first statement of the noble Earl? [Lord Wharncliffe had said, that there was not sufficient evidence to satisfy his mind.] The allusion of the noble Earl to his denial of the existence of such a conspiracy, referred to what had fallen from him in 1837. What he did say on that occasion was, that there had been, for a length of time, a conspiracy of an agrarian kind in Ireland, but that he did not think its objects were political. In fact, he did not think its objects were political any more than his noble Friend opposite believed them to be so.

Lord Wharncliffe had said, that there was not sufficient evidence on the face of the inquiry to show what really was the object of the conspiracy. He by no means

went the length of saying that no political conspiracy existed.

The Marquess of *Normanby*: No doubt there might be persons connected with the society whose objects were political, or who might, in order to delude their dupes, assume political masks. He further stated at that time, that he had not seen any such oath as was stated to be in existence; but at the time he added, that although he had not seen such oath, and did not believe in the existence of a conspiracy, to the extent and of the kind and character described by the noble Earl, yet if the existence of such a society could be proved, no man would be more determined than himself to put it down. He appealed to the House, whether the evidence did not prove that such had been his intention, and that the acts of his government had borne it out. On another occasion, early in the present Session, he had thus expressed himself on the subject of these conspiracies:—

“With regard to what the noble Earl had said of secret oaths, he did not believe in their existence; at least not by any means in the shape of any general confederacy; but still he admitted, that there were traces of Ribandism in Ireland. It was impossible for him to say that Ribandism was entirely extinct in Ireland; but he held in his hand a document which proved that Government had not overlooked that fact; but still, with every exertion on their part, and with every effort possible to put an end to the last vestige of that system, they had not been able to procure evidence of a nature sufficient to ensure a conviction; and he thought that a committee of their Lordships’ House, without knowing really what they were about, would be the most likely way of any to discover the truth. When this question was formerly discussed, he had stated that the Government had observed vestiges of Ribandism in different places, but that they had seen no evidence of any general conspiracy; but if any traces of it could be found, they would inquire, and endeavour to find it out. There was evidence to show that Riband lodges existed in some parts of Ireland, but certainly a committee of their Lordships’ House was not the best way of ascertaining the extent or nature of the evil.”

These were his words on the motion for the Committee; he appealed to the House whether the evidence had not borne them out. He still retained his opinion with regard to Ribandism—that it did not exist in the same state now as formerly—certainly not to the extent described by his noble and learned Friend, Lord Plunket, in 1822. The whole characteristics of the

system were different. Captain Despard distinctly stated in his evidence, that Ribandism did not exist now as formerly. It was, he said, better established and more fully developed in 1831 than at present. There was also the evidence of the stipendiary magistrate (referred to by Mr. Drummond) on the authority of a Roman Catholic bishop, that Ribandism was on the wane—that it did not possess those political characteristics that formerly appertained to it. Another question also was, whether Ribandism was confined to purposes palpable and obvious to a local application and limited in extent, or whether it exercised an universal influence over the peasantry, and whether the purposes to which it was applied were illegal—whether there was any one great object common to all the persons engaged in the society, or whether the members of it were bound to obtain for others whom, perhaps, they did not know, objects, of the full nature of which they were not aware. He would call the attention of the House to the state of the information on the subject of Ribandism at the time he addressed their Lordships in 1837. There had been two cases of murder in Sligo in 1836. The Government endeavoured to bring the parties to trial, but the evidence was not sufficient for conviction. And so long a time having intervened without a single conviction, the Government were naturally inclined to doubt the existence of the treasonable conspiracy complained of. He had also alluded to the combination assaults in Dublin. They were associations arising out of the operations of trade—and it frequently occurred that there was no foundation whatever for the statements of the informers. But, at the commencement of 1838, the Government received from Mr. Rowan this letter:—

“Confidential.—County of Westmeath.—In submitting the annexed documents, I consider it right (as briefly as possible) to state, for his Excellency’s information, how I became acquainted with the matters referred to therein. Some outrages having taken place in a particular district of this county, respecting which I was anxiously endeavouring to procure information, a person presented himself to me with a note from a public functionary, stating that the bearer had frequently made himself useful to the police authorities, and that I might probably find it advantageous to examine him respecting the district in question, as he was connected with a large faction there, and was supposed to be intimately acquainted with the various agrarian outrages now so preva-

lent. I, of course, examined him, and found that he was willing to inform me respecting a then recently committed offence on a solemn pledge that his name should not be mentioned without his consent, and that he should not be required to become a public prosecutor at the risk, if not the certainty, of losing his life."

All informers were in the nature of discreditable witnesses, and their information was not always to be relied on. His complaint against these informers was not on the ground of their character only, but that they were useless, as they always stopped short when called upon to publicly substantiate their statements. Up to the time when they were called upon to make good their information all went glibly enough—they were ready enough to give you any story, but you could never induce them to come forward and swear publicly to the information they had given. Mr. Rowan went on:—

"This individual (though quite unlettered) evinced so much shrewdness and intelligence, and, at the same time, showed such extensive knowledge of a large and turbulent portion of this county, that I at once perceived he could communicate much useful information, which I led him to do by questions on various subjects, and chiefly respecting Riband Societies, which I had reason to believe prevailed extensively throughout the county. The information contained in the annexed papers is the result of my inquiries collected at different interviews, and which, when arranged, as now submitted, he expressed his willingness to verify on oath, stipulating expressly that his name should never be disclosed without his sanction to that effect, and that he never should be required, unless by his own express consent, to appear as a public witness in the matters referred to."

Now, supposing the informant only anxious to make money with the greatest certainty and the smallest risk to himself, it was impossible to suppose a better trade than to let him state facts and receive money for doing so (all these informants but one did receive money), and never call on them in any way to substantiate those statements. Mr. Rowan then went on to state:—

"I should not have hesitated to swear him at once to the truth of his statements (which I have drawn out in the form of a sworn information with that object in view), but that I did not perceive how I could sustain my pledge of secrecy in the event of any of the parties implicated being arrested and held to bail, or otherwise made amenable, or unless sanctioned by Government to that effect, it being now the regulation to allow persons

charged on oath with alleged offences to obtain copies of the informations sworn against them. Under these circumstances, I have considered it my duty to acquaint the Government with the information I have thus received, in order that the Lord-lieutenant, being in possession of the facts as they have been represented to me, may be enabled to judge to what degree of credit they are entitled, and whether any and what further proceedings ought to be adopted thereupon. As the subject (if the allegations of my informant are well founded) is of great importance, and likely, in its further development, to occasion much anxiety, trouble, and responsibility, I request, should I be further employed therein, to be favoured with precise instructions for the guidance of my conduct."

It appeared by the correspondence between Mr. Rowan and Mr. Kemmis, that Mr. Rowan had incorporated the evidence of seven or eight informants in this document. The examinant stated—

"That he is a member of the society commonly known by the name and appellation of the Society of Ribandmen in Ireland, and that he has been a member of the said society for about fourteen years; and he saith that he is now one of the committee-men of said society in and for the parish of —, in said county of Westmeath. Examinant states, that said society hath assumed different forms, and has been (so far as he understands it) distinguished by different names at different periods, since it was first formed by Lord Edward Fitzgerald, as examinant has been told, in the year 1798, or thereabouts, and was then called the Society of United Irishmen; but that a new modification of it took place on the 1st of November last past, and that it is now generally known among its members as the Religious Liberty System, or, more shortly, as the Liberty System. He saith, that the said Religious Liberty System, or Society of confidential Ribandmen, hath had and now has many objects in view; but that its present great objects are, viz., to dethrone the Queen of the United Kingdom from being Queen of Ireland; to place Daniel O'Connell, the Member of Parliament for Dublin, as Catholic King of Ireland in her stead; to put down and destroy the Protestant religion in Ireland, and to restore the forfeited estates."

[Lord Roden, "*Hear.*"] If the noble Earl, by his cheer, meant that he believed this, perhaps he also believed what followed.

"The forfeited estates that were taken by Oliver Cromwell (a list of which is kept by the priests), to be returned to their lawful owners."

How would they find the lawful owners? Great portions of the lately purchased estates in Ireland had been purchased by

Catholics. [Lord Roden: No.] Unless the noble Earl was quite sure to the contrary, he rather thought, that a great portion of the recently purchased property in Ireland had been purchased by Catholics. The examinant went on:—

“And he saith, that quarterly returns are made to the said Grand Lodge of the number of members of said society comprised in each parish of the kingdom respectively; that there is no list or roll (that examinant knows of) of the names of the members of the society, but they keep a list of the names of the baronial delegates throughout the kingdom.”

Mr. Rowan was asked by the committee, whether he believed all this. It appeared that he told the Police Commissioners, that it was much more probable that Daniel O'Connell would be king, than that he was backed by the Duke of Leinster. Thus it seemed Mr. Rowan communicated this important intelligence to the Police Commissioners. How was it that he did not state the same thing before the committee? Probably because he had received some hint that it was better not to tell the story to them. This was Mr. O'Ferrall's statement of what was said by Mr. Rowan:—

“I have received a communication from H. W. Rowan, stating, that the object of the Riband Society was, to make Mr. O'Connell King of Ireland, and to overthrow the Protestant religion, which they hope to do now, as the said Mr. Daniel O'Connell is backed by the Duke of Leinster.”

The examinant continued:—

“There are in three parishes of the aforesaid county, with which he is intimately acquainted, about 1,000 men now enrolled as members of the above society; that they have increased in numbers very much of late, and are still increasing, in consequence, as he understands, of the present rebellion in Canada, and their hopes of a war between England and the United States of America.”

Considering that this examinant was spoken of by Mr. Rowan as an intelligent man, he really did seem to possess a great deal of general information:—

“Which has given great encouragement to the members of the said society, as every pains is taken to persuade the country people that that rebellion cannot be put down; and he believes, that nothing would now persuade the country that the said rebellion ever will be put down, till the said Daniel O'Connell is crowned King of Ireland.”

How Mr. O'Connell's becoming king of Ireland would put down the rebellion in

Canada, he was quite at a loss to understand. The examinant continued:—

“The members of the society are impressed with the conviction, that when the time comes for them to turn out altogether, there will be plenty of arms and ammunition prepared for them from abroad.”

The noble Earl, on a former occasion, alluded to a very large importation of arms; at that time Colonel Kennedy took great pains to inquire into the facts, but found that there was no such thing. [The Earl of Roden: We have proof of it in the evidence.] The examinant then went on to state:—

“The members of the society are in the practice of going out at night, sometimes to the amount of 100 men, to be drilled in the use of fire and other arms.”

Now here was a fact stated, which Mr. Rowan might have verified. Had he been in Mr. Rowan's situation, he would not have rested until he had ascertained the truth or falsehood of the statement. If the informant knew where they were to meet, why could he not enable the Government to detect them? But the fact was, that the Government never could get information of these outrages beforehand. True, it was urged that these outrages were not concocted until just before they were perpetrated. But what said Mr. Faussett, of Sligo? That one outrage in that district (a murder) had been concocted five months beforehand. The examinant further stated, that

“Such of them as had not fire-arms had pikes, made something like bayonets, fixed on forks or poles, and that others of them have bayonets or pistols. The rule is, that there must be a drill once in each month, but that sometimes they go out three or four nights in succession for that purpose.”

If that were so, surely this informant must have been able to point out where they assembled. Mr. Rowan's information was forwarded to Mr. Kemmis, the Crown Solicitor, who wrote thus to Mr. Rowan on the subject:—

“Kildare-street, Dublin, June 11, 1838.

“My dear Sir—Mr. Drummond has forwarded to me your correspondence with him, containing a detailed account of the existence of an extensive conspiracy in this country, with directions to confer with you on the subject, in the view of ascertaining what information may be obtained, by your exertions, respecting the persons alluded to in the papers in question, as residents in Dublin, adding, that it is most

desirable to ascertain whether the statements regarding them are correct. I have read these papers, and conceive that the best mode of arriving at the truth in this matter is to take an early opportunity of examining your informant with respect to his own personal knowledge of the facts in his power to communicate. Let hearsay and conjecture have no place in the deposition to which I refer; let him, in the first instance, state when he became a Ribandman, and at whose instance; when he was sworn, and by whom, and who were present; the several meetings he afterwards attended, setting out time and place as nearly as he can recollect the persons present at each; who acted as president, secretary, or other officer; the business transacted; the conversation which took place; the plans and designs of the conspirators, as they appeared by the words used at any of those meetings; the name, address, and description of the very individuals who used those words; and the books, lists, or other documents in their custody, if any of them. If, however, you should find it difficult to obtain those minute particulars from him, let him state when he learned the facts he has communicated to you, not only with respect to the individuals whom he names, but the grand lodge in Dublin, and the baronial, parochial, and other lodges. He can have no difficulty in stating the name of every individual from whom he learned the various branches of the information he gave you, and the occasion, time, and place, at which he learned them. If he is disposed to communicate freely with you, on the several points adverted to, and is at once intelligent, rational, and consistent, confidence may be placed in his veracity. If, however, he shows any reluctance, and will only talk to you of the general system, and tell you a story that any person of common astuteness might invent, you probably would hesitate to give him the credit that would be requisite in a matter of so much importance, before a single step could be taken upon his evidence. I was in hopes of seeing you in Dublin: but as I find that you are not immediately expected here, I think it better to write to you, notwithstanding the necessity that exists for caution on such a subject.—I am, &c.

(Signed) "WM. KEMMIS."

What was Mr. Rowan's answer?"

"La Mancha, Mullingar, June 15, 1838.

"My dear Sir—I beg to acknowledge the receipt of your letter of the 11th instant, which reached my address only on the 13th of this month, and to which I have not till now had a moment's leisure to reply. I am very glad that the papers in question have been put into your hands, as I shall now be able to communicate with you fully on the subject. I have given all the attention to your letter which it merits; and it appears to me, that every particular you require from my informant has already been complied with, and so far as is practicable in the nature of things, for

some of the circumstances which you appear to think ought to be given in detail, having occurred fourteen years ago, cannot possibly be particularised in the manner you require. You appear, moreover, to be under the impression, that I have had information respecting the conspiracy adverted to but from one individual. The fact is otherwise; and my communications surely must have made Mr. Drummond aware, that the contrary is the case. I have, it is true, taken the trouble to put the information alluded to into specific form from but one person; but I have had representations from others, more or less corroborating his statements. With the various duties I have to perform, I am really quite unable (without neglecting them) to submit in writing all the information, more or less important, that has been given to me; nor do I perceive any mode by which any satisfactory representation of such important matters can be made in writing. If, therefore, you are authorised to require my presence in Dublin, in order to confer with me, or that you will procure such authority, I will proceed to town to communicate to you in person all I know on the subject. If this is to be done, I request to hear from you by return of post, in order that I may be able to go to town on next Monday, as I shall be continually engaged after that till the end of the next month. Then comes the 12th of July, when I suppose I shall be sent somewhere to the north, and then the assizes, &c., &c. Hoping to be favoured with a line in reply, I remain, my dear Sir, very truly yours,

"HILL W. ROWAN."

To this Mr. Kemmis replied:—

"Kildare-street, June 25, 1838.

"My dear Sir—I can readily excuse a delay on your part, when a similar reason, the press of business, has occasioned a similar delay on mine since the receipt of your last communication. I conceive that Mr. Drummond has placed in my hands the whole of the papers which he received from you on the subject of the conspiracy; and to render them of avail, so as to justify any proceeding, however slight, upon them, it is absolutely necessary that you should be in possession of all the facts, upon oath, as minutely described in my former letter. Your chief informant can have no difficulty in stating who induced him to become a Ribandman, and the several circumstances attending his admission, even though it took place fourteen years ago. He may not be able to recount conversations at meetings long past; but surely he can detail all that took place at recent meetings. If he cannot, his evidence is worth but little; and surely, if there is any foundation for the general view he has given of the system, it is in his power to state the acts done and the words spoken on those occasions when he obtained the knowledge in question, and to point out the very individuals who were actors in those scenes. You intimate that you have had information of

this conspiracy from more than one individual. If so, all that I have suggested as to one is equally applicable to all your informants; and it would be in the highest degree advisable, that you should examine them all upon the points to which I have adverted in my former letter, and take down their depositions on oath.

“After you have obtained and forwarded to me the depositions of these several individuals, embracing the facts to which I have adverted, it will be time enough for a personal communication with you. You can at present state nothing of which your papers have not already made me fully aware; and it would be giving you the trouble of a long and expensive journey to no purpose now to require your presence in Dublin. If your informants will not enter into particulars, but confine themselves to an account that is as likely to be false as true, and which cannot be tried by any test, they might as well have been altogether silent, for any advantage that can be derived from their statements.

“I shall be anxious to hear from you,

“and remain my dear Sir, very truly yours,

(Signed) “WM. KEMMIS.”

To this letter, Mr. Rowan sent the following answer:—

(Private) “La Mancha, Mullingar,
7th July, 1838.

“My dear Sir—I have deferred replying to your letter of the 25th ult., till after seeing again the principal individual therein referred to, and this for your satisfaction, not for mine, as I was quite aware beforehand what must be the result. He made not the slightest hesitation about stating the various particulars adverted to by you, nor would he hesitate to swear to their truth, on one condition, viz., that his name should never be disclosed, and that he should never be called on to prosecute. This, you will say, renders any information he has given (however true it may be), mystery, since, under such circumstances, it cannot be acted on. But surely, my dear Sir, no one knows better than yourself, that to make himself known as an informer, would be, in other words, to forfeit his life, and probably the lives of all his family. It does not become me to suggest a remedy for such a state of things; the remedy is, however, in my mind obvious. If what is stated to me be, as I am persuaded it is, true, there exists a widely-spread system of high treason. I have done my duty in endeavouring to develop it, and in submitting the information I have obtained to Government.

I remain, my dear Sir, yours very truly,
W. Kemmis, Esq. “HILL W. ROWAN.”

Mr. Kemmis tried again to get something either from Mr. Rowan, or from his informant, and wrote the following letter:—
(Private) “Kildare-street, Dublin,

13th July, 1838.

“My dear Sir—It is quite impossible to act

upon the information of your informant in its present state. He has not mentioned the acts or words of a single individual from his own personal knowledge, and until that be done upon oath, there can be no proceeding; even though he will not consent to come forward as a prosecutor, still it would be very desirable to obtain all the facts and conversations of a treasonable nature which he actually witnessed, reduced to writing, and deposed to upon oath. In page 3 of his examination, he states, that the objects of the society are, to dethrone the present Queen from being Queen of Ireland, and to place Daniel O’Connell in her stead; to destroy the Protestant religion, and restore the forfeited estates, &c.; but he does not state the names of the individuals who entered into this conspiracy, nor the conversation which took place between them, if he was present, nor even the person he heard it from, or if it be mere hearsay evidence. In fact, there is nothing tangible in anything he has communicated, and it is impossible to decide whether these prominent charges may not be altogether a fabrication, so that in this view the Government cannot be said to possess any substantial knowledge on the subject; and there is no doubt that it would be of consequence to them to possess such knowledge, even though they cannot bring forward the informer.—I remain very truly yours,

(Signed) “W. K.

“Hill Wilson Rowan, Esq.”

To this last communication Mr. Rowan returned no answer. But this was not all with regard to Mr. Rowan. He was examined as to what communications had passed between him and the Government relative to the information that had been received upon the subject of the Ribbon Societies; and whether the Government had taken any steps and what was his answer? That no step had been taken as far as he was aware. With this communication from Mr. Kemmis in his possession, if no further step were taken, with whom rested the blame? Mr. Rowan further stated, that in his opinion what influenced the Government was the very great difficulty in taking proceedings, unless they were furnished with evidence of a more particular and positive description, so as to enable them to bring offenders to trial. Again, when he was asked whether he had been directed to endeavour to obtain more information, he replied, “Yes, recently; within five or six weeks.” Still not one word was said of the communications with Mr. Kemmis the year before. He attributed motives to no man, but he must say the time of five or six weeks, mentioned by Mr. Rowan appeared to be an allusion to the appointment of the committee. He

was then asked whether that was the first instruction he had received, and he stated that the reply to him in several instances was, that no steps could be taken, unless the individual could be induced to come forward and make the communication on oath in such a form as to justify proceedings. Now, he asked the House whether this was a fair statement on the part of Mr. Rowan after the communication with Mr. Kemmis? Then came the following question and answer:—

“Are you of opinion that there is any measure the Government might have adopted which it has not adopted to discover the origin, extent, character, and proceedings of the Ribbon Societies?—Your Lordships will allow me to make an observation in reference to that question. Unless I am directed positively to do so, I should think it would be unbecoming in my situation to express an opinion upon what Government ought to do, what they can do, or what they ought not to do.”

This certainly was very delicate and considerate and especially when Mr. Rowan knew that the Government had taken every step which they could take to obtain information, but this Mr. Rowan and the principal witnesses judiciously left out of their case. Mr. Rowan himself, knowing that if no further steps were taken it was entirely his own fault. He must repeat this was great delicacy and consideration towards Government. Mr. Rowan was again asked:—

“Do you consider the existence or operations of those societies to have been owing, in any degree, to any inertness or mismanagement on the part of the Government?—I think that the only answer I can now give is, that which I gave to the last question. I trust your Lordships will not press me to answer any question that might look like presuming on my part to give an opinion with respect to any steps the Government have taken or withheld; and further I beg to add—your Lordships, I trust, will perceive the indelicacy of any individual in the situation of a public officer presuming to give an opinion on communications made to him by the Government, unless required to do so.”

Now, what was the impression meant to be created by this answer? Why, that Mr. Rowan had something to conceal. It was true, there was something concealed, but it was something that affected Mr. Rowan himself, and not the Government. He would not say anything farther of Mr. Rowan's evidence. The Government took his information into immediate considera-

tion; they took the greatest pains to bring the truth to the test; and it was for their Lordships to say who had been to blame. There were certainly several undisputed facts contained in the evidence taken before the committee; but there were two ways of accounting for them. No doubt there existed, and had for a number of years existed, in certain parts of Ireland, societies bound together by secret oaths; but all the information which the Government or its officers, or the public received with reference to these societies or conspiracies was derived from informers, who, from the nature of their business, were degraded in character and low in station. Their evidence generally went to show that those societies met at public houses, and that to a certain extent money was collected, and those informers stated that such societies existed in a great many parts of Ireland where they had themselves never been, and of the state of which they could only speak upon hearsay. The noble Earl who moved for the committee stated, on the authority of a charge of Judge Burton, that these conspiracies existed in the county of Tipperary. Now, as far as he could speak, from having studied the character of the people of Tipperary, he would say that conspiracies there were by no means of a permanent or political nature. He must say that he was sorry to hear the noble Earl speak as he did of the Catholic priests. He must say, from his experience in Ireland, that those persons had been most sincere, most active, and most useful, in their determination to put down not only Riband conspiracies, but all agrarian outrages. There were two modes of accounting for the existence of those societies. Either they were got up for agrarian objects by certain designing men, who, under false pretences, obtained sway over the people; and they were further kept up by what was a characteristic of human nature in general, and particularly of the lower orders of the Irish, namely, that they wished it to be thought that they were not merely spending their money at a public-house, but that they were there as the agents of some great plan for the furtherance of a great object. This, he believed, was one of the grounds on which a political character was affixed to these societies. But supposing, that they did not take this view of the Riband conspiracies, they

must then believe, that there did now exist, and had existed for half a century, a conspiracy without parallel in history: a body without a head; and a body, all the members of which were aware of its most secret functions, but yet was not aware of the purposes to which they were to be applied; a body consisting entirely of the lower orders of society, and yet with objects involving the interests of the better classes, not as might be imagined for their injury, but the contrary, for it appeared that their object was to produce a revolution of property, not for their own interests but to recover the forfeited estates, for the purpose of re-appropriating them to the supposed owners. And again, it would appear that one object of this conspiracy was to give a permanent ascendancy to a religion, the prelates of which invariably denounced them; and, last of all, and indeed it was a very likely object, namely, that of making Mr. O'Connell king of Ireland, a person who had most systematically denounced them; and whose object Mr. O'Connell believed to be equally injurious to his own interests as to those of his country. If their Lordships believed any part of the story, they must believe the whole—they must go with Mr. Rowan, as far as he went. Yes! the only alternative was, the Rowan creed, and of that creed he was not a disciple. They had discussed one topic of this subject the other night, but he thought it was not convenient to discuss these subjects before the evidence was sufficiently considered, and he would not, therefore, advert at present to any other topic. At the same time, he was glad to hear the admission of the noble Lord who introduced this subject, that he believed, that a better feeling now existed in Ireland, and that political agitation and outrage were less now than formerly. Certainly, minor offences had increased, but the more serious offences had much decreased. [Lord *Ellenborough*: Not during the last eighteen months.] He certainly had not been able to read the whole of the evidence, but he had gathered from the tables before the House that there had been a decided diminution of crime, and that there had been more convictions in proportion to committals. Now, he agreed with the noble Lord in thinking, that all these were symptoms of an improving state of feeling in Ireland. He must, however, utterly deny, that the Government had done anything but hold

the scale fairly between the two parties in Ireland. He utterly denied, during the whole time he was in Ireland, that he considered whether a man was a Protestant or a Catholic. If he had acted otherwise he should have considered that he was departing from his duty, and he appealed to all those who knew him, whether, in the distribution of the patronage of office, he ever considered what was the religion of the candidates? He could not help saying, with regard to what had fallen from the noble Earl (the Earl of Roden) the other night, that he hoped the noble Earl would withdraw the charge he had made as to the conduct of the Government with reference to the detection and punishment of crime. The noble Earl persisted in saying that the Government had suffered crime to go on increasing in Ireland. Now that was a very grave imputation upon the Government—an imputation which the testimony of every witness showed to be unfounded. The noble Earl had not produced a single iota of evidence to support the charge; and truly, when he made such a charge, he was bound to prove some remissness on the part of the Government, or to withdraw the charge. The testimony of all the witnesses went to prove that never had a Government taken more pains or shown greater activity and zeal in the detection and punishment of crime. He would only say one word more. Their Lordships had already pronounced their opinion of one portion of his conduct. But of this he would say no more, and whatever conclusion they might again come to, he would say this, that out of the inquiry before the committee, had arisen a better feeling towards the people of Ireland. He called upon their Lordships, in justice to himself and in justice to Ireland, before they took further steps to read the whole of the evidence, and when they met next year they would then be able to judge whether his Government had the tendency ascribed to it by the noble Earl opposite (the Earl of Roden), and whether he had by his conduct reduced Ireland to such a desperate and unparalleled state of crime and iniquity as that noble Earl had described.

The Marquess of *Westmeath* said, the noble Marquess had denied that the evidence bore out the statement that Ribbonism had extended generally amongst the Roman Catholic population in Ireland. Now, he thought there was evidence, par-

ticularly that of Mr. O'Ferrall to show, that Ribandism had extended very generally amongst the Roman Catholic population. The great object of the noble Marquess seemed to be to break down the evidence of Mr. Rowan, and to set up that of Mr. Drummond; and he had passed over the evidence of other important witnesses with very little notice. Mr. Rowan was a gentleman of the greatest respectability, and most efficient and impartial in the discharge of his duties as a magistrate. This was attested by the letters sent to him at the close of the election for Youghall in 1835, when he received thanks for his judicious and impartial conduct from the committee of each of the candidates. He had also received a letter of thanks, signed by nine deputy-lieutenants and forty-seven magistrates of the county of Westmeath, for his unwearied exertions in bringing criminals to justice, and in preserving the peace of the county. This was enough to show, that he was a man who should not have been spoken lightly of. There was in the whole tone and manner of the noble Marquess an evident inclination to disparage Mr. Rowan, and to cast ridicule on his evidence because he had mentioned the statement of the intention of some of the Ribandmen to make Mr. O'Connell, King of Ireland, and that Mr. O'Connell was backed up by the Duke of Leinster. But the noble Marquis had omitted to notice those parts of his evidence where he was corroborated by the testimony of several other respectable witnesses. What was the evidence of Mr. Drummond on which the noble Marquess relied so much? It was little more than a commentary on the evidence of others, while Mr. Rowan got much of his evidence from parties who had the best means of being informed on what they spoke of. The noble Marquess had also spoken disparagingly of the description of the extent of Ribandism given by the noble Earl (Roden) on a former evening, because it did not suit such a Government as that of the noble Marquess to do that which would not be favourably received by certain parties who had given that Government their support. The noble Marquess wished to have it impressed on the people of England, that Ribandism was not carried to any extent in Ireland; but that statement was not borne out by the testimony of many most respectable witnesses who were examined. The noble

Marquess was on some points at variance with the testimony of his own secretary, the one saying that the conspiracy was not prædial, and the other that it was not agrarian. It was not his intention to trouble their Lordships by going into the evidence in detail; he would only touch lightly on some points of it. It was clear, from the evidence of Captain Despard, that Ribandmen sat in committee on the persons of those who were marked out, judged, and sentenced to destruction, and Mr. O'Ferrall said that the conspiracy existed throughout Ireland; but Mr. Drummond wished it to appear that it was only an organization of the people to stand together at fairs. It should be remarked, however, that it was coming from fairs, that persons denounced, and who had not the secret sign or watchword, were most frequently exposed to loss of life. The noble Marquess appeared to treat very lightly what had been said about the belief of the lower classes of Irish that the estates, forfeited in the time of Cromwell, would be restored and divided amongst them, but there was abundant evidence to show, that such notions were studiously impressed upon them, and there could be no doubt that they were calculated to excite that very excitable and inflammable people. Both the noble Marquess and his secretary seemed to rely much on the fact of no previous information of intended outrage being given, and they sought from that, to throw discredit on the whole thing; but in what other way could they account for the intimidation of witnesses, which so often defeated the ends of justice? Information was given only when the outrage was to be perpetrated, and the parties who were required to act did not know till the moment, the time or the place, or even the person on whom they were to execute the dreadful outrage. In one part of the noble Marquess's statement he gave great credit to the Roman Catholic priests, for their disposition to put down this conspiracy. He should be deficient in truth and Christian charity if he did not admit that there were some among that body who desired to do so, but when it was recollected that the influence of the Roman Catholic priests, who scarcely possessed an acre of land in fee and only a few on lease, was sufficient to break up those ties which had so long bound landlord and tenant together, and despite of the landowners, to return many

Members to Parliament—when this was so, let him ask, was it not too much to say, that they had not influence enough to put down this conspiracy amongst their flocks? He wished he could believe it; but the facts were too strong against such a conclusion. He would mention one or two facts in illustration. Some time ago, a man was under sentence of death for the murder of Mr. O'Keefe. He was attended to the place of execution by a Catholic priest; the man gloried in his death, and declared his perfect willingness to suffer rather than inform on his accomplices, and he died without making any such avowal. In the other case a man was under sentence of death for the murder of his own father. He was also attended by his priest, but in this case the man confessed his guilt, and asked the people to pray for him. These cases were in strong contrast. The one in which no confession of guilt was made was a political offence; the other was not. He would have their Lordships to draw their own inference. He believed, that there was evidence to prove, that this conspiracy had heads, and that one of its chief objects was the separation of the two countries, and, therefore, it was the duty of a Government not to make light of it.

Lord *Lurgan* felt that he should be shrinking from the discharge of his public duty, if he did not make a few observations on the present occasion. He had recently left Ireland, and nothing had surprised him more than to find their Lordships immersed in this question of Irish Government and of Irish confederacy. Not that he was ignorant their Lordships were so employed, but what he wished to impress on them was, that he had, about two months ago, left Ireland, and that Armagh, which they had been told was the head quarter of this mysterious society—and he spoke advisedly—he left Armagh, and he left Ireland generally, tranquil, prosperous, and improving in almost every respect in which the moral improvement of a country can be regarded. Then coming into this country as rapidly as the traveller was now borne from one part to another, he was scarcely thirty-six hours out of Ireland, and scarcely in this metropolis, before he was called upon to renounce all his opinions and settled convictions as so many idle dreams and fancies without any reality; for he found, that whilst he had been fostering these,

according to their Lordships, idle delusions, their Lordships were almost at their wits' end with respect to the sister island, and were employed in an investigation with respect to that amount of crime and outrage which their Lordships said had rendered life and property insecure in that portion of the empire. This to him, as an Irishman, was very perplexing and embarrassing. He was free to admit this was a most important discussion. The statements that had been made by the noble Lord opposite (Lord Wharncliffe) were very startling, but to him they were not unexpected, because he had had the honour of serving on the committee, and it had appeared to him that without some such proceedings as noble Lords opposite had adopted, the finale on this question would have been little in keeping with the opening and with the progress of the whole of this Irish discussion. What was the opening? Why, that such an amount of crime and outrage had prevailed in Ireland, as rendered life and property insecure in that country since the year 1835. Up to that year, noble Lords opposite would have it supposed that Ireland had been a sort of blissful Eden, where man's disobedience had never been heard of, and the fruit of the forbidden tree had remained untouched. But noble Lords had contrived at the close to bring up something very highly seasoned, and they now called on their Lordships to believe that Ireland, or at least a very great portion of Ireland, was bound together by illegal oaths, and signs, and pass-words; and were ready to turn out at a moment's notice to do anything no matter what. He might endeavour to weaken the noble Lord's speech by setting one part of it against the other, because that noble Lord had stated, and had stated most correctly, that it was a great comfort to him to perceive, in his investigation, that there was a considerable improvement throughout the whole of Ireland, moral and intellectual. There was hardly any country in Europe more rapidly advancing than Ireland—none more likely to repay the care and anxiety of its Legislature. This he would maintain as the truth, against all comers. If that, then, were the truth—if it were true that the internal trade of Ireland and her foreign commerce were increasing—that her capital was augmenting—that the moral feeling of her people was improving—if, above all, the Emancipation

Act were working out its results in a better spirit, a milder temper, beginning to diffuse itself through Ireland—if party spirit were subsiding—these were undoubted proofs and characteristics of an improving country—characteristics which could not co-exist with the universal rebellion and crime which were represented to pervade Ireland. To believe that they could, would be to dishonour the first law of nature, that the tree is known by its fruits, and, therefore, he felt warranted in asserting, while Ireland was rapidly advancing and improving that universal conspiracy and crime did not exist. Up to this time he had rather been speaking as a witness himself than commenting on the evidence which was before their Lordships. But if he were to speak from these books—if he were to see by others' eyes, and to hear with others' ears, and speak according as this inquiry gave him utterance—he must admit, that before a committee, as impartial in its operations as it was possible to imagine, and under the presidency of as honest an Englishman as ever presided over any committee—he was bound to admit that before this committee so discharging its duties—whatever he might think of its first constitution—it was true, that by the most respectable witnesses—and he had heard with pleasure the testimony which had been borne to the intelligence and integrity of those witnesses—he must admit that crimes and outrages of a fearful sort, and conspiracies, very alarming conspiracies, did pervade and disfigure a large portion of her Majesty's dominions in Ireland. Now, if he did regret anything in connexion with that committee, it was, that having pushed their inquiries to the greatest extent—into the root of the disturbances in Ireland—they had made no report as to the proper remedies to be applied; the noble Duke had supported the motion for the committee on the ground that he was disposed to think there might be something in the jurisprudence of Ireland, in the administration of justice, which required some remedies; excellent reason too, in his opinion; but the committee had turned up every kind of outrage—disgusting and atrocious; but no remedy had been applied, reminding him of what had humourously enough been put over an apothecary's shop—“*vendita hic, emeticum, narcoticum, et omnium, præter remedium.*” Many persons seemed disposed to consider this an exclusively Irish

debate; but, in fact, it was no such thing, for those who had gone through the vast expanse of these volumes, would find, that not only did this conspiracy exist, as was said, in Ireland, but that it had been found in Liverpool—in Birmingham—in Manchester—and in Paisley. Certainly if this conspiracy did exist in Ireland, there was no difficulty in conceiving, with the bridge of boats now established between this country and Ireland, that it should find its way here. But was it true, that in the heart of Protestant England, not Chartism, but Ribandism prevailed—even in Birmingham; that the staple trade of Manchester was likely to sink before the rival trade of ribands—nay, that even in the trading capital of Protestant, Presbyterian Scotland, this conspiracy was rampant. This did fill him with unfeigned astonishment, and with incredulity. For aught he knew, if these confederacies were to be found in the places he had mentioned, their Lordships might at this moment be sitting within a circumvallation-line of ribands, surrounded by that mysterious system, whose object, it seemed, was to overthrow the Protestant religion—to sweep away the right rev. Prelates from the Bench—and to set up King Daniel O'Connell on that throne which was wont to present to their Lordships' eyes, all that was most interesting and beloved in these realms. He could not but look at all this, however, as the most fabulous romance ever known. It must come from no other quarter than La Mancha; and by-the-bye it was rather singular, that Mr. Rowan came from La Mancha—not in Spain, certainly, but in Westmeath; and the noble Marquess in defending that gentleman's testimony, had taken up a more chivalrous enterprise, than ever the Spanish hero of the windmill. But what now were the proofs of this conspiracy? For “by their fruits ye shall know them.” There was no proof at all of a political conspiracy. There were no crimes analagous to such a combination. There were no political crimes—no insurgent movements—no insurrectionary outrages. Sir R. Peel himself, even in describing much more horrible crimes—murders in the face of day—near chapels—before congregations—had expressly negatived any such combination. But where was the head of this conspiracy?—where was the commanding genius?—where the presiding traitor? Could he

even be guessed at? No. His name had not been breathed; nor, so far as could be proved, ever dreamt of. So that here was a complete natural curiosity—a body of rebellion, with hands and arms, and nether limbs, wanting nothing to give it power but the rebel head. It had been observed as remarkable, that the meetings of these societies were generally held at public houses, and, that the publicans often presided; yet, though this Riband conspiracy was said to include the whole population from sixteen to sixty, no one piece of evidence, tangible and conclusive, had been discovered. The people of Ireland, if they were traitors, were most faithful depositories of treason, most careful keepers of a secret, whether sober or drunk, for all these proceedings it would seem, were steeped in whiskey—carried on as they were in their public houses. But he dismissed from his mind as romantic, as fabulous; he trampled under foot, as most calumnious to the people of Ireland, the idea that they were a revolting or rebellious nation; he denied it altogether. He believed, that they were as sound at heart as any portion of the subjects of the British empire. But he did not wish to undervalue the evidence which had been laid before their Lordship's committee. He denied the political, the treasonable conspiracy, but no one could deny, that these societies—by different barbarous designations—existed throughout Ireland—their objects being to control the management of land and the employment of labour, and carrying the most fearful intimidation into the families of those who disputed their tyrannical mandates. This no one could deny. Nor could it be denied, that these societies were working much stronger now, than at any former period. Indeed, an agrarian combination must be increasing, from that which was now going on in Ireland, as to the management of landed property. Ireland was now in a transition state. There were novel and extensive improvements going on. These improvements necessarily tended to throw out of their possessions great numbers of the poorer classes, who, severed from their little holdings of land, were unable perhaps to provide a meal of potatoes for their famishing children, and thus become unhappily, too ready for Ribandism, or any other conspiracy. It would not become him to bring any charge against the

gentry of Ireland. He believed, that no country had a better and more liberal landed proprietary. But there were many Acts against sub-letting—enforcing clauses in leases on the tenantry—against alienation,—increasing the Parliamentary franchise, and so on—all against the people,—nothing could be more probable, therefore, than that unlawful combinations should now be more frequent than ever; and unless their Lordships adapted their legislation to this transitory state of things, more crime and outrage would arise than had ever yet been witnessed. As to the evidence, he thought their Lordships should in a great measure dismiss it from their minds. But, if they allowed such fears and panics as some endeavoured to excite, to influence them, to balance their decision, farewell, then, to reason, to candour, to justice—farewell to the spirit from which would spring an appropriate and beneficial Legislation; for party feeling, though blind and deaf, was overpowering in its influence, and irresistible in its power; therefore, he entreated their Lordships to be watchful and vigilant, as to the effect which they gave to this evidence.

The Duke of *Wellington* entirely approved of this bill; to it there was no opposition offered from any quarter of the House, and certainly he had been quite satisfied with the discussion of that part of the subject to which his noble Friend near him (Lord Wharnccliffe) had drawn their Lordships' consideration, and he had been in hopes, that he should have been enabled to have allowed the debate to conclude without asking for attention even for a single moment. It appeared to be the opinion of the noble Baron who had just concluded his address to their Lordships, that this bill ought to be extended to England—or rather, that it ought to be applied to England instead of Ireland. On that subject he would say a few words presently, but in the meanwhile he would remind their Lordships of the motives which, at the commencement of the Session, he had stated actuated him in voting for the appointment of the committee, to the proceedings of which, and the evidence taken before it, so much allusion had been made in the course of the present debate. The noble Baron opposite (Lord Lurgan) was not in the House at the time that committee was appointed, if he had, he would have known, that for several previous

Sessions this House had heard from her Majesty's Government, and in speeches delivered by the Sovereign from the Throne, of the tranquillity of Ireland, and that at last, after hearing of several other outrages committed in that country, they heard of the murder of Lord Norbury. The noble Baron himself had lately come over from Ireland, and said he had heard neither of crime nor outrage, their Lordships had, however, been more unfortunate, for at that period they had heard of the last-named outrage, of the perpetrators of which he believed there had been no trace from that period up to the present time. The notice of the public just at that moment had been drawn to the fact of the existence of these Riband societies. At that period, the fact which had been generally known for a great length of time to the Government was for the first time admitted in Parliament, just previous to the period at which his noble Friend (the Earl of Roden) moved for this committee. There were some curious facts with respect to the evidence of the existence of these societies mentioned at that period, which had not come out in this debate—namely, evidence given on different trials in various parts of Ireland nearly at the same time, which proved that these societies did exist throughout the country, and in all parts of it. Under these circumstances, considering also, that the gentlemen of Ireland had great reason to complain of the state of the society in which they were living in that country—considering, that there was a strong difference of opinion on the part of the Government on the one hand, and of the public on the other, as to whether Ireland was in that tranquil state, in which the Government in the most solemn manner, from the Throne, declared it to be—considering further, that although there were on the Table a vast number of returns, yet not one upon which any man could rely upon, as conveying an accurate statement of the state of crime in that part of the realm—considering all these things, he did think, that it was expedient and advisable, that a committee should be appointed to inquire into the real state of crime in Ireland, and into the administration of justice there. On these grounds, he voted for the appointment of that committee. He had not been a member of that committee, but he was quite satisfied with the results

which had been already produced by the publication of the evidence. In his opinion, that evidence, in the first place, made known to the country as well as to Parliament, the real state of society in Ireland. That was a satisfaction which he derived from the publication of the evidence produced before the committee. But besides that, he had the satisfaction the other night of hearing the magnificent speech of the noble and learned Lord opposite, and of voting for the five resolutions which the noble and learned Lord had proposed for their Lordships' adoption. As to that speech it never could be forgotten, it must produce its effect upon the administration of justice in Ireland. Whatever might be the effect produced by the resolutions for which he had the satisfaction of voting, (for he doubted their effect in consequence of what he had heard had been stated elsewhere), of this he was convinced, that ultimately the principles recommended by the noble and learned Lord in his speech, and asserted in his resolutions, must prevail in the administration of justice in that, as they did at present in this country. Another effect, which, in his opinion, his noble Friend, (Lord Wharncliffe) had proved to night as resulting from this committee, was the bill now under their Lordships' consideration. He hoped the bill would be carried into execution, and have some effect in checking the disposition to join illegal secret societies in Ireland. But another and a most important effect produced by this committee, had been to lay open to their Lordships and to the world, the real existence of these societies, and the dangers resulting therefrom. He would not at this hour of the night pretend to go over the evidence—he could not attempt to follow the noble Marquess opposite (the Marquess of Normanby), and show the manner in which he had attempted to extenuate the effect of the evidence; but thus much he would say, that the result of the whole had been to produce a conviction in his mind of the existence of this general conspiracy, and of its great danger, most particularly in Ireland, and especially at this moment, when the Government had been so imprudent as to reduce their peace establishments so low, that they were scarcely equal—indeed, not equal to the performance of peace duties—at a moment too, when a Member of Parliament of great influence and

power, had taken that opportunity to inform the Irish public, that they were 9,000,000 of people, and that 9,000,000 had only to desire to be independent, really to become so; and when he found, that at the time this Member gave that information, he had under his hand this very conspiracy, capable of carrying into execution any plan which he or anybody else might form, in order to attempt to effect the design to obtain independence for these 9,000,000 of people. When he saw these things, he must say, that it was fortunate for the British public, as well as for all those who wished to maintain the honour and power of this country, and the connexion of Ireland with it, that complete evidence had been obtained of the existence of this conspiracy, and that the country knew that it was a conspiracy founded upon the same principles, and carrying on its measures by the same precise means, as the conspiracy of United Irishmen and other more extended conspiracies existing abroad. It was fortunate too, that their Lordships knew that the Government—that her Majesty's Ministers had, as it appears now, the knowledge of these things; that they were acquainted with the existence of these conspiracies at the very moment at which they were boasting in the speeches of the Sovereign from the Throne, of the tranquillity of Ireland, and that they were weakening the military peace establishment in Ireland, in order to carry on their war in Canada at the very moment when, on the contrary, they ought to have augmented them all. These were the advantages which had been acquired by the inquiries of this committee; and he confessed, that he rejoiced, that their Lordships did appoint that committee, and he thought they were greatly indebted to his noble Friend who proposed it, and to all those noble Lords who had attended so laboriously upon the business of that committee, and for the exertions they had made in order to bring out the facts contained in the evidence.

The Duke of *Richmond* should not have risen at that moment, but that he was anxious to answer an observation or two which fell from the noble Marquess, who had remarked, in the early part of his speech, upon the thinness of the House, and said, that he saw but few Members of the Committee present, who, he supposed, had come to give an account of

their proceedings. That made it imperative on him to get up and vindicate the proceedings of the committee. He believed, that it was admitted by every man who attended that committee, that never could a committee of the House of Lords be more fairly conducted from the beginning to the end of its labours. He could only say, as the noble Lord connected with the county of Stafford had frequently said, that he had never attended any committee of the House of Lords, that was not conducted with the greatest fairness, and whenever he moved a committee on a bill, he always recommended, that the larger portion should be of those against the bill, than for the bill, because he had found that such a majority dealt kindly and fairly with the bill before them. He would now proceed to state his reasons why he had supported the resolutions which were proposed by the noble and learned Lord. He could not but express his surprise that Ireland was as tranquil as it was; for he must say, that he knew many parts of this country where, if a person did not come forward and give evidence on the breach of any law, after being bound over to do so, and if that man's recognizances were not forfeited, there would be the greatest dissatisfaction and mischief. In *Sussex*, for instance, not one in a hundred cases could come to a satisfactory issue under such a system. He knew it might be urged that in Ireland the law was not strong enough to prevent that evil; but if the law was wrong, it was the bounden duty of the Lord-lieutenant to come to Parliament, and ask for an alteration of it. Nevertheless, so long as it was the law of the land, that a man bound over to give evidence should do so, or pay the penalty, every man in the country was bound to obey it. He must say, that he deeply regretted the liberation of prisoners which the noble Marquess had ordered; but he regretted it the more, because of the example which the Lord-lieutenant gave of not acting up to the law. What did he do in one instance? He went into a gaol and by his verbal order discharged a number of prisoners—a thing which no person in the realm—not even the Crown itself—had the power to do. If he, and his noble friends, then, were called upon to give an account of their proceedings—if they were called upon to give a reason for their votes, he would tell the noble Marquess in

a few words. He had felt the case strongly—and it was with regret at the present moment he said so—that he felt himself compelled to vote against the Executive Government; because, if ever there was a time in the history of this country wherein the Government ought to be supported, it was the present, when secret societies were found to prevail in Ireland to an extent which he could not believe to be so insignificant as some noble Lords did. He did not think it an insignificant matter, that there should be such an organization of these secret societies, that a man being a member, should be able to pass from one part of Ireland to another if he had a Riband pass, and that he might go to a market-town 100 miles away from his own neighbourhood in perfect security from that molestation to which others were exposed. He knew well, that much of the information which had been got up on this subject had been furnished by informers, persons who, unfortunately, generally did come forward from private motives of their own, but was he entirely to put out of the question, that if those men had come forward in a public court of justice, they would be admitted as evidence, even in a capital case, if they were corroborated by other witnesses? What opinion was he to form of those societies, when he found that men belonging to them could go about from place to place in Ireland, being protected and supported by common consent? What was he to think when he found them coming to Liverpool, and being recognised and fostered there? He did not much fear that they would do harm in this country. He did not believe, that the Riband-men of Liverpool and Birmingham were able to make a revolution in this county, because he thought the good sense of the great majority of the people of England would not encourage them, differing as they did on point of religion, for it must not be forgotten, that they were all Roman Catholics. He said nothing against them as Roman Catholics, although he was one who to the very last opposed the admission of Roman Catholics into Parliament, indeed, he admitted, that he had the greatest regard for many persons who were Roman Catholics. But he did not believe, that in either Liverpool, Manchester, or Birmingham, those people would do much mischief. Yet it was known, that there were other societies organized, or in pro-

cess of organization, and he knew that the Government were at the present time paying the most serious attention to the subject. It was stated, that in Ireland these Ribandmen were in the habit of holding meetings in whiskey-shops, and that they had always a sentry outside. Now, if their meetings were purely of a convivial nature, he was sure, if he knew anything of the composition of an Irishman, one of their number would not remain outside, but go in and join them. Before he entered that committee he had a prejudice against the Irish landlords, and thought they required to be reformed, but by attending the committee, and reading every line of the evidence which he did not hear, he certainly must say, that he was convinced that the great body of Irish landlords were most anxious for the prosperity of the country, and the well-being of the tenants and labourers. It was, therefore, a great satisfaction to him, that he had attended the numerous meetings of the committee, because he had been disabused of a prejudice. With respect to what the noble Marquess had said of Mr. Rowan, he must observe, that if it could be avoided, the less one attacked a man who it was admitted had come forward honestly and conscientiously, and who, in virtue of his oath, was bound to state the truth, the better. The gentleman in question had been examined as a witness, and he had stated his impressions. He, for one, certainly credited Mr. Rowan, and he thought with his noble Friends, that the committee were bound to believe Mr. Rowan, who must have been a respectable man. Would his noble Friend have continued him in office if he were a credulous man, and a man in whom no confidence could be placed? Such a man would be unfit for the office of a stipendiary magistrate. In times such as these, to place a credulous man, one open to every impression, in such a situation in a country like Ireland, would be a gross breach of duty in the Lord-lieutenant. But his noble Friend did not find out, until very recently, that Mr. Rowan was so credulous a man, or, if he did find it before, why did he keep him in office? He was present during the whole of his examination, and he was sure, that he only spoke the sense of the great majority of the committee, when he said, that Mr. Rowan did himself very great credit, and that there was no man who heard him

who was not convinced that he spoke the truth. He thought his noble Friend would see it right to explain this matter before the close of the present debate, in order that it might not go forth to the country, that Mr. Rowan had not conducted himself to the satisfaction of the committee. He had never been acquainted with that gentleman; he had never spoken to him until he came before the committee; but he could safely testify to the talent, and the desire to speak the truth, evinced by that gentleman; and, indeed, by all the witnesses. He thought he should not act justly if he did not also say, that the Government had given every facility to the inquiry, and encouraged the examination of every witness, that was likely to give evidence of any value. With regard to another point touched upon by the noble Marquess, he must say, that it was not very usual for committees to recommend legislative enactments; the committee felt that it was their duty to present the evidence in the present instance, because the lateness of the Session would prevent them from doing more. He believed, that evidence would be of the greatest service to his noble Friend now in the high office of Lord-lieutenant of Ireland, if he knew anything of him. He was an Englishman, who perhaps had seen Irish questions with English eyes, as it had been expressed, but he would there see them in a different light. He had been brought up in this country; he had acted as a magistrate of the county in which he resided, and he would go to Ireland, if he knew his noble Friend at all, with a firm determination to carry the laws into execution to the uttermost, and of being impartial to all, showing to the Irish people, that which he believed would do the most to place them in a better situation than they were, which was, that if they disobeyed the laws their punishment would be certain, but that they would have a full and fair trial, and that when convicted they must certainly undergo the punishment assigned to their offence. He had had something to do with Irish soldiers, and he had found them easy to manage upon this principle, that you should always be the same to them one day, as on another. Tell them fairly what you expect from them, and what they must not do: if they do what you command them, well—return them thanks; if they do the contrary, let them know

that the punishment is certain, and the sooner they are punished, the better. That, he believed, his noble Friend, who was gone to Ireland, would do. No new enactments were required to encourage that prosperity which was now opening upon Ireland, or to make that part of the country as tranquil as this. He felt that some parts of Ireland were in a dreadful state. The frequent murders there, indicated the entire absence of all compunction for taking away human life. So much was that the case, that it was found by the evidence, that in one part of the country, an acting magistrate, for doing his duty, and an agent to a proprietor, for only carrying into execution the necessary, but not harsh, powers of the landlord, were exposed to continual danger. In one instance, the individual durst not go, in broad daylight, a quarter of a mile from his own house to a neighbouring town, without being armed; and, in the other case, the person durst not venture to the lodge of his own park without being armed, and accompanied by two armed policemen. He, as an English country gentleman, felt bound that they ought to do their utmost to relieve the landlords of Ireland from that situation. A man might as well live in New Zealand, or in any savage country, if, because he did his duty, though not unpopular perhaps, he was to be marked by one of these secret societies, so that he could not venture out of his own house without arms and a guard. He need not say, that he had no party-feeling on this subject. He went into the committee with a firm determination to do his duty as a jurymen, and he felt that as a jurymen he had done it. His noble Friends knew he had never opposed them, when it was in his power to support them. He believed he had always acted so from principle, though perhaps he might have been somewhat influenced by feeling too, having acted with some of his noble Friends in the Cabinet, believing, and indeed knowing, that they were actuated by pure motives. He was always anxious to do his duty, and to express his opinions honestly; and he believed no man could charge him with having given a factious vote, either in this or any other instance.

The Marquess of *Normanby*, in explanation, said the noble Duke must have misunderstood him, with regard to what he had said of the presence of many Members of the committee that night.

All he had said was, that he believed they were present to give an account of the proceedings only as reporters merely, because he knew, that the evidence was in the possession of their Lordships generally. With regard to Mr. Rowan, he had said nothing against that gentleman's respectability; he had merely read his evidence, and commented on it as he went on.

Lord *Hatherton* was anxious, before he made any observation, to allow any noble Lords to address the House who were connected with Ireland; but he was anxious, in consequence of the part he had taken in the committee, to make some observations to the House. He could not help expressing the greatest surprise at the tone in which the noble Duke (Wellington) had spoken of the proceedings of the committee. When he heard the noble Duke's impassioned speech, he thought that he must have misread the past history of Ireland, and the state of crime there for the past year. All former statements must have been grossly exaggerated if they took for granted the inference that was attempted to be drawn by the noble Duke. The result of the observation that he had made was, that, comparing the state of crime of Ireland at former times with what it was at present, the latter was tranquillity itself. The noble Duke certainly said the reverse, but this was the result that he arrived at from reading the opinions of Sir R. Peel, Mr. Goulburn, Mr. Daly, and other persons connected with Ireland. The language used by these Gentlemen in former times proved that the present state of Ireland was tranquillity itself as compared with its condition, but, comparatively, a few years ago. With reference to the appointment of this committee, the noble Duke was the only person who supported the motion who gave anything like a valid reason for its appointment. The noble Duke stated that he thought that there were great discrepancies in the statements as to the returns on crime in Ireland. He stated that he thought that it would be part of the duty of the committee to reconcile these discrepancies. The results also were very different as to the numbers. The examination of the witnesses before the committee showed that a distinction was to be drawn between the number of commitments and convictions; and it also appeared that a prisoner's name was en-

tered several times in the committals under various headings. In consequence of this, Mr. Cahill, a most intelligent gentleman, examined before the committee, had been induced, by these discrepancies, to draw up a report on the state of commitments and convictions. He had confined himself to the three years 1836, 1837, and 1838. They were described at length in the evidence, but he would not detain the House with alluding to it. It appeared, however, from Mr. Cahill's evidence, that, in one county, one man's name, for the same offence, had been reported in the list of commitments thirty times; and that the name of another prisoner, for a single offence, made its appearance forty-two times. It appeared also from the evidence of this gentleman, that the return of the clerk of the peace of the county of Tipperary showed a number of 5,412 persons charged with offences at the Quarter Sessions for the year 1836; but the return of the real number, as appeared from the Crown books, was only 2,720; and the real number of cases upon which offences were charged was only 889. In the subsequent years the returns showed nearly the same result. This, he thought was a very material document in explanation of what had fallen from the noble Duke. He had opposed the appointment of this committee, which had been made a matter of so much importance by noble Lords opposite, as he felt, from the situation that he had held as Secretary for Ireland, that the appointment would be attended with great inconvenience. He had listened to the motion for the appointment of this committee with some anxiety, and also to all the extraordinary charges that were brought forward by the noble Earl who made the motion; and he had consented to act on the committee, because he thought that he could be of some assistance, from the situation that he had held, to those noble Lords with whom he had generally acted, and as he was also fully aware of the insufficiency of the grounds to which he had alluded. It was rather amusing to notice the feeling of the witnesses when they were called into the committee-room as to what was the object in view; they generally smiled, and returned answers upon which it was often difficult to fix an interpretation as to what the committee were assembled to inquire into. Major Warburton is asked, what is

Ribandism? And he says, "there is the greatest possible difficulty in getting at the nature of it, and I should be much puzzled indeed to give any description of it." Mr. Plunket says, "I cannot exactly explain what I mean by Ribandism." Mr. Tomkins Brew states, "I never knew what it was." Mr. Barrington says, "I hardly know what it is." Mr. Barnes declares: "I do not know anything about the system of Ribandism." Mr. Hickman declares: "I do not very well know the meaning of the word." Mr. Green says, "I have read a great deal about it in the newspapers, but don't know what it is." Captain Vignolles asserts: "I know very little of what is called the Riband Society." Col. M'Gregor states: "I have had reports of the meetings and pass-words of the Ribandmen given me, but could make nothing of them." Mr. O'Ferrall observes, "whilst I have been in office I have received a great deal of information about Ribandism, but I know no more about it than before." This witness adds,

"Major Browne, who has had very great experience as a magistrate in all parts of Ireland, and who was present at all the investigations which I have made upon the subject, is exactly of the same opinion as myself. He says, elsewhere that Ribandism was a secret society, bound together by an oath, which he states to be the only definition which will include all varieties of Ribandism; and that the oath is an oath of secrecy, and to be ready when called on to commit some outrage."

The evidence was all of the same character, and tended to show that the combination had long existed, although the Government was charged with having fostered these societies within the last four years. One of the witnesses, Mr. O'Ferrall, says:—

"Although a most efficient police and the most active magistrates have been employed, with ample means at their disposal to procure information, yet, notwithstanding all their exertions and rewards, we know no more of Ribandism than we did before. The Commissioners have had daily interviews with Mr. Rowan, but never have received from him any information, except a statement of an absurd nature, that the Riband Societies now expect to make Mr. O'Connell King of Ireland, and to overthrow the Protestant religion, as Mr. O'Connell is now backed by the Duke of Leinster. That another object was, to make Mr. O'Connell's son a Prince, and to establish the Catholic religion in Ireland."

Sir William Somerville said also, that

the Riband Societies were a kind of trades union; and Mr. Ford said, that what is called Ribandism in Meath is in the nature of the combination of trades. All the witnesses agree, that these sometimes are composed of the most ignorant classes. With respect to the classes composing these societies, Mr. Plunkett says, that he never knew a respectable person to belong to the society. Mr. Hutton says, that he never could trace it to any person of respectability; it is confined to the humbler classes. Mr. Drummond says: "There is nobody amongst them of a class as high as a shopkeeper or farmer." Mr. C. Wright says: "They are composed of the lower classes." Major Warburton says: "It is composed of the labouring class; those who take the lead are generally ill-disposed farmers' sons; never knew a respectable shopkeeper to join: he also says, the society has always been composed of the lowest class, generally speaking, the lower class of the peasantry." Mr. Kemmiss: "The servant boys of farmers principally." Mr. Drummond says, that "the publicans are the only shopkeepers whom he knows to belong to the society." Mr. O'Ferrall says, that he never knew a shopkeeper to belong to the society except a publican. Mr. Rathbone says: "Those who called themselves Ribandmen, in Galway, in 1819-20, were composed of the lowest class of the peasantry." Major Browne says: "The fact of the Riband Societies being exclusively Catholic, may be the result of their having originally been formed in opposition to the Orange Societies, which were exclusively Protestant." Mr. Drummond says, that Ribandism is exclusively Catholic, because the distinction between the religions is so great that it would be almost impossible to find a society in Dublin where the different religionists meet. The burial societies and benefit societies are exclusively Catholic or Protestant. And even temperance societies, except the principal one at Dublin, are of some religion exclusively. Now, as to the extent to which Ribandism prevailed, there was the most extraordinary evidence. Mr. Rowan says: "The information which I have received applies to particular counties, but I have been given to understand by the parties aforesaid, as far as they know the fact, that it prevails throughout the Roman Catholic population of Ireland, and in Liverpool, Manchester, Birmingham, Glasgow, and also in Scotland." Mr.

Dudgeon, Crown solicitor, Connaught, says: "I have no doubt but Ribandism exists in Sligo, but we never got a case that we could prosecute with effect." Major Browne thinks, that the system exists principally where the parties are equally balanced. He thinks, it does not exist to any extent where the great bulk of the population is either Catholic or Protestant, but only where the population is divided between both sects. It may have been formerly the case, that the Catholics formed this combination when the Orange societies were in existence, which makes them exclusive as the others were so too. Mr. Tracey says: "My information, on which I can place much reliance, is to the effect, that all the peasantry, from sixteen to fifty, were engaged in it." Mr. Plunkett says: "I believe that every county in Ireland is more or less concerned." Sir William Somerville says, that the combinations in Meath are local and temporary. In answer to these statements, it was thought, that the best course that could be pursued by those who took a different view of the subject from noble Lords opposite was, to call on the Crown solicitors, all of whom were summoned to give their evidence upon the committee. They were all men of great experience and ability, and had, generally speaking, an intimate knowledge of the state of crime in Ireland. It was objected by some noble Lords, that they did not reside in the counties they were officially connected with; but they were all acquainted with the state of crime and with the opinions of the magistrates in the counties. Mr. Geale, Crown solicitor of the home circuit, says, that Ribandism existed formerly more than it does at present. Mr. Hickman, Crown solicitor of the Connaught circuit, says: "In so far as it means anything, personally I have never met with anything of the kind on my circuit. We had a case about which Mr. French, the Crown counsel, seemed as anxious as any man I ever saw, but there was no evidence to sustain a prosecution." Mr. Hickman says, that he does not believe that any wide-spread system of Ribandism exists upon his circuit (Connaught) or in any county of it. Mr. Barrington, Crown solicitor of the Munster circuit, says: "I can trace almost every outrage on the circuit to a particular cause, and cannot attribute it to a hidden cause, if I see it proceeds from one that is known, I

never could trace upon my circuit such a society as Ribandism is described to be, and I believe, no such societies have existed there during my time. We never had a case of Ribandism on my circuit; in fact, I hardly know what it is." Mr. Barrington says, that he thinks it highly improbable that any system of combination or of premeditated mischief, to any considerable extent, could prevail in his circuit without his knowledge, as he has been for years anxious to find out the cause of every outrage, in order to discover what would be the appropriate remedy to prevent the recurrence of disturbance. Mr. Kemmiss, Crown solicitor of the Leinster circuit, says: "No Ribandism has come to my knowledge as Crown prosecutor. I think, if it existed upon the circuit I should know it. I have not missed a circuit these thirty-eight years, and on my Leinster circuit I know no such thing as Ribandism. The circuit includes Wicklow, Wexford, Kilkenny, and Tipperary. In Dublin crimes are numerous, but trifling, decreasing for the last five years, and continuing to decrease; I have had no prosecution there for some time; five or six years ago I used to have prosecutions. Could not trace any Ribandism in Waterford, and do not believe it exists there." Mr. Leed: "We have had but one case of it on our circuit, on the information of Dr. O'Reilly, the parish priest of Navan." Mr. Green says, "No Ribandism exists in Kilkenny; I must know if it did; I have read a great deal about it in the newspapers, but do not know what it is." Mr. Tibiteau: "No trace of Ribandism in Tipperary; I have spoken with the stipendiary and other magistrates of the county, and they could not give me any instance of it." Mr. Howley says:

"If it means branches affiliated under a head, with signs, oaths, &c., I have never seen a single trace of it in Tipperary, nor heard of any such in my intercourse with the magistracy, nor of any other sworn confederacy. I have made vigilant and anxious inquiries into the state of crime in Tipperary, and all the means of judging in my power lead me to conclude, that there is no such conspiracy; and if any other person told me he believed it to exist, I should suppose that he was mistaken."

Mr. Cahill, sessional prosecutor in Tipperary, says: "I am perfectly convinced that there is no such thing as Ribandism in the country with which I am

acquainted. It could not be without my knowledge, and I have never had the slightest intimation of it." Lord Donoughmore says: "I know nothing of any secret society in Tipperary" (and Lord Donoughmore's was an opinion to which noble Lords could not object). Mr. Drummond says:

"As to Ribandism itself, I doubt the existence of such a society, formed with a view to the commission of agrarian outrage; and founded upon feelings of religious animosity, from the effects which appear, I cannot even conclude its existence. There is no evidence whatever, except the unsupported assertion of informants, of any outrage having been planned at any of their meetings; and a strong presumption against this supposition is furnished by the remarkable fact, that our informants, though professing to be present at the meetings where murders have been concocted, have never, during several years, been able to give information of any such murder until after its execution."

He would refer also to the opinion of Sir Robert Peel as to the absence of combination in the outrages of 1824, which were much more likely to be the result of combination than those of the present day. Now, as to the persons by whom these societies are originated and kept on foot. Mr. Plunket quotes Lance Corporal ———'s information:

"As far as I know, every meeting of a lodge is in a public-house. A great number of the masters are publicans. The lodge is usually held at a public-house. One reason for keeping up the system is, that the meetings are held in public-houses, and the publicans being parish masters, receive 1s. a piece from each committee-man in the parish, beside the profit on the drinking. Each committee-man gets 1s. from every man he tests or swears, and after that 3d. a quarter from every man in his lodge; and the county masters get 3s. 6d. a quarter from each parish in the county."

Mr. Faussett quotes an information—

"That at the quarterly meetings each of the members pays 6d., of which 3d. are allocated to the purpose of drinking, and the other 3d. are paid to the masters for pass-words. At other meetings each of the members pays 6d., of which half is for drink, and the other half goes to a fund for private purposes. The publicans have a great interest in the system—it brings grist to their mill; a great many of the members are imposed upon, and don't know what becomes of their money."

One object of keeping it up was to make money, as the county delegate made 300l. a year. Captain Despard stated:

"That one of his informants paid on his admission a fee of 1s. 8d., and about 7s. 6d. for whiskey; and that he afterwards paid 5s. on being made a committee-man, and gave 4s. 4d. for drink for those present."

The whole of his answer is very important, and should be read at length. Mr. Drummond says:

"The promoters are publicans, who receive quarterly payments, and render no account. The publicans have a sort of connection with each other, and affect mystery, and attribute the whole to some head unknown. The promoters are knaves, and the members dupes. I think that it is chiefly formed and carried on by publicans to bring trade to their houses, and that the money subscribed goes to support in idleness a great many more clever than the poorer."

An informant of Mr. Faussett says: "The 6d. a month is subscribed to buy arms, but they have not bought any yet." The noble Lord also quoted the evidence of Mr. Cahill, Mr. Tracy, and Mr. Faussett, for the purpose of showing that the informers were distressed and in want of money. After all the evidence which he had offered, noble Lords would not be surprised at the universal failure to secure convictions for the offence of Ribandism. [The Earl of Roden: There was one conviction at Drogheda.] That was the only case of successful prosecution. While on this branch of the subject, he would state what had passed in committee. Mr. Drummond, in one of the seven days of his examination, came before the committee with six or seven boxes of papers relating to the prosecution for Ribandism, and with some anxiety of manner observed, that if any noble Lord entertained the slightest suspicion that the Government had not diligently and perseveringly done their duty for the punishment of Riband outrages, he was ready to enter at full length into every single case. The committee kindly allowed him to do so, although both the noble Chairman and the noble and learned Lord acquiesced in assuring Mr. Drummond that not the slightest doubt was entertained but the Government had done their utmost. But when it was remembered that the main ground of the charge of the noble Earl was, that there existed a conspiracy, which had been fostered by the neglect of the Government, that the organization of such a conspiracy was a certain source of crime, and that his noble Friend (the Marquess of Normanby) was responsible for more

crime and bloodshed than any previous Viceroy, was not this communication from the committee to Mr. Drummond a complete justification of the conduct of his noble Friend? 'To come to the immediate subject of discussion, the bill before the House, which enacted a new mode of dealing with persons having passes, pass words, or unlawful oaths, there was nothing new in the nature of these offences. From Mr. Barrington, Crown solicitor, he had procured a statement of the nature of the Whiteboys' oaths in former years:

"In 1761: To be ready when called upon. In 1785: To obey Captain Wright. In 1807: To be ready when called upon. In 1811: To keep secret, and be ready when called upon. In 1812: Not to sell potatoes for more than 6s. per barrel, nor to work for less than certain wages. In 1821: To join Captain Rock. In 1822: To keep secret, and be loyal to the party; to keep secret and assist the Whiteboys. In 1824. Never to assist in the execution of a civil bill decree, or serve a civil bill process; to procure money to aid the Whiteboys; not to discover or give evidence. In 1824. To kill ministers, proctors, spies, and informers; not to discover on a murder if he saw it committed; to become a three-year-old-boy; to swear on the altar not to discover on Captain Rock. In 1829. To keep secret; not to work for less than 1s. a-day, and to be ready when called upon. In 1830: To be true to the Whiteboys. In 1833: Not to pay tithes or church-rates. In 1834: Not to work under certain wages. In 1837: Not to serve the processes. In 1838: Not to prosecute at sessions."

In further corroboration of the state of Ireland with regard to these crimes, in former years, he would quote from speeches of Sir Robert Peel in 1814 and 1816. In 1814, Sir Robert Peel said:—

"The evil which it was now proposed to remedy, had not, he was sorry to say, risen on a sudden. It had existed for a considerable time, indeed he might say for the whole period he had the honour of forming a part of the Irish Government. The disturbances in this county (Westmeath) appear to have commenced about the beginning of the year 1813, and have been rapidly increasing ever since, notwithstanding great exertions have been made on the part of the magistracy to check and subdue them. The persons engaged in those disturbances, styling themselves 'carders,' commenced their outrages, by attacking houses, robbery of fire-arms, and swearing the lower orders to obey such rules and orders as should be dictated and pronounced by them. To effect these purposes, they posted notices through different parts of the country, and declared vengeance against any person who should not comply with such, their lawless

dictates. If a tract of land was to be set in con-acre, these lawless miscreants would fix a price per acre upon it, and any person giving more would certainly receive personal torture, or suffer some injury in his property."

In 1816, Sir Robert Peel, in bringing the state of Ireland before Parliament, said:—

"That in former periods of the history of that country, tumults and outrages had subsisted, but they were generally to be traced to small and comparatively unimportant causes; particular and local grievances; personal animosities or hereditary feuds constituted the principal sources of them; at other times, grievances of a more distinct and positive nature were alleged, such as the high price of land, and then the professed object of the combination was to lower it. But the disturbances then existing have no precise or definitive cause—they seemed to be the effect of a general confederacy in crime—a comprehensive conspiracy of guilt—a systematic opposition to all laws and municipal institutions. The records of the courts of justice show such a settled and uniform system of guilt, that such monstrous and horrible perjuries could not be found in the annals of any country on the face of the globe, whether civilized or uncivilized. Time alone, the prevalence of a kind and paternal Government, and the extension of education were the remedies which must be relied on."

In 1820, the county of Galway was so much disturbed, that Mr. James Daly, in his place in Parliament, stated:—

"There never was a period when the state of that country required a more prompt and more vigorous interposition on the part of Government, when the disturbance was so extensive, and the outrages of so violent and dangerous a character. The disturbances to which he had alluded commenced about the middle of November last, in the county of Roscommon and the parts adjacent. Renewed disturbances took place, in which some lives were lost, and a gentleman of respectability was shot by the roadside on a public highway. The meeting of the magistrates was adjourned for a fortnight, and in that short interval, such was the increased audacity of the rebels—for he could designate them in no other manner—that upwards of seventy gentlemen's seats had been attacked and plundered, and there were actually 'not five seats in the whole district which had either not been entered, or defended and saved from the depredations, after an obstinate engagement. They attacked the police-barracks, and thirteen of the police were dangerously wounded in a desperate engagement, which lasted from half past nine in the evening till three in the morning. For above five hours was this band of rebels engaged with his Majesty's organized and veteran troops,

The country was studded so thickly with troops that no man could stand at his door without seeing parties of soldiers. Government had been obliged to take another step, which was unconstitutional, although he allowed it was necessary, namely, to grant the qualification of the peace to field officers and captains commanding detachments. What he had described related only to one county. He had heard that both Kilkenny and Cork were disturbed, and that horrible outrages had been perpetrated in Westmeath."

In March, 1829, in bringing before the House of Commons the bill for the removal of the Roman Catholic disabilities, Sir Robert Peel described the state of Ireland thus:—

"I apprehend it scarcely possible we can change for the worse. What is the melancholy fact? That for scarcely one year during the period that has elapsed since the Union, has Ireland been governed by the ordinary course of law. In 1800, we find the Habeas Corpus Act suspended, and the act for the suppression of rebellion in force. In 1801 they were continued; in 1802, they expired. In 1803 the insurrection, for which Emmett suffered, broke out. Lord Kilwarden was murdered by a savage mob; and both acts of Parliament were renewed. In 1804 they were continued. In 1806 the West and South of Ireland were in a state of insubordination, which was with difficulty suppressed by the severest enforcement of the ordinary law. In 1807, in consequence, chiefly, of disorders that had prevailed in 1806, the act called the Insurrection Act was introduced; it gave power to the Lord-lieutenant to place any district, by proclamation, out of the pale of the law; it suspended trial by jury, and made it a transportable offence to be out of doors from sunset to sunrise. In 1807, this act continued in force, and in 1808, 1809, and the close of the sessions of 1810. In 1814, the Insurrection Act was renewed; it was continued in 1815, 1816, and 1817. In 1822, it was again renewed, and continued during the years 1823, 1824, and 1825. In 1825, the act intended for the suppression of dangerous associations was passed; it continued during 1826, and 1827, and expired in 1828. In 1829, disturbances to a frightful extent existed in part of the county of Cork; conspiracies were formed for the assassination of magistrates; murders were committed; the police barracks were attacked, the inhabitants shot; houses and villages burned, and gentlemen in their carriages and on horseback, fired at and wounded. A special commission was held in the county at this period."

At a general meeting of the Kilkenny magistrates in March 1832, it was resolved—

"That it appears by official documents that

in the seven months ending January last, the number of outrages of an insurrectionary character committed within the county have amounted to 300, while the number of convictions have been only nine, notwithstanding the great exertion of the constituted authorities."

At a similar general meeting of magistrates of Queen's County in 1832, it was stated, that

"No man can venture to leave his house unguarded at any hour in the twenty-four. Within the last three months 133 houses in the Queen's County had been attacked, from 65 of which, arms had been plundered."

Those magistrates called for a renewal of the Insurrection Act. The magistrates of other counties also assembled in the same year from similar causes. There was evidence sufficient to prove that the state of things complained of by the noble Earl, even if proved to exist, was not new. But it might be said that the noble Marquess had not grappled with the evil as former Governments had done. He was quite sure that the two last of the predecessors of the noble Marquess, Lords Anglesey and Wellesley, were far too high-minded and honourable men to receive a compliment of that sort at the expense of their successor. The truth was that the noble Marquess had done as much if not more than any of his predecessors to bring back the country to tranquillity and to ameliorate its condition, and he was quite sure that he would be saying nothing that could at all wound the self-love of those noble Lords—if such a term could be applied to their feelings—when he said that the administration of the noble Marquess would be regarded by the great majority of the Irish people with the most grateful recollection. That was the best answer that the noble Marquess could give to the charge of indifference to the punishment of crime. The present Lord-lieutenant of Ireland, admirable as his administration undoubtedly was, was fast pursuing the course originally chalked out by Lords Anglesey and Wellesley, and since so excellently followed up by the noble Marquess. To one other topic he would refer as illustrative of the facts of the noble Marquess's Government—the amount of military force now in Ireland. When he assumed the reins of Government, there was in Ireland an army of 23,000 or 24,000 men. The nominal force now in Ireland was 11,257, of whom, perhaps, not more than 10,500 were effective men. If there were not

another argument in favour of the administration of the noble Marquess, this single fact spoke volumes in favour of the admirable principles upon which the noble Marquess had acted in Ireland.

Lord *Brougham* said, there could not be a doubt, from what had fallen from the noble Lord who had just sat down, as well as from the statement of the noble Chairman of the committee, that Ribandism was a most dangerous association, and one which the magistrates were bound to take the most energetic measures to put down. Noble Lords seemed to think the association less dangerous, because it was agrarian in its objects. But could there be anything more dreadful than an association for such purposes, and with such objects as those detailed in the evidence? Why, it was in evidence that for five shillings or six shillings any man who had taken possession of a tenement, from which another had been ejected, could be shot. He had never seen a greater desire in any witnesses to tell, or any committee to ascertain the truth. He still thought that the appointment of the committee was proper; he thought, with the noble Duke, that the result had proved highly important, and although he did not go the full extent of the opinion of some noble Lords as to the proof of the extent and object of secret societies, still he did not even know, till the appointment of the committee, that there did exist such a dangerous weapon to be snatched up at any moment, and he had never thought that Ireland was in such a state at present as it was found on this inquiry to be. A noble Lord who had been lately introduced into that House, and who had spoken with much ability in the course of this debate (Lord *Lurgan*), had borne testimony to the fairness of the committee, and he did not envy the feelings of those leaders of the noble Lord who would now impugn it, or who, with a no more certain majority than twenty-two, had chosen to pass judgment before they had even heard the evidence.

Lord *Plunket* said, that it was a mistake to suppose that it was not the desire of the Government to use every exertion effectually to put down any secret societies; but it would be foolish in him if, after the favourable verdict which had been passed by all on his noble Friend, he provoked any further discussion. Having been for forty years in public employment, and having been assured that secret

associations had existed in Ireland, he must say that they had never ceased since 1798. The machinery established by the United Irishmen was the commencement, and that machinery was found so convenient for carrying on such societies that it had never been abandoned. The society of 1798 was formed originally by the Protestants of the north of Ireland—it was not formed by the Roman Catholics. He had only further to remark that the Roman Catholic priests of Ireland, of whom he had had any knowledge, although of course there were exceptions, as there were in every large body, appeared to him some of the most respectable and meritorious individuals he had ever met with.

Viscount *Melbourne* had hoped, that the noble Duke (Wellington) would have allowed the debate to close without troubling their Lordships with any observations; but the noble Duke had not only broken silence himself, but he had also compelled him to break silence. Some observations which the noble Duke had made, it was necessary for him to notice. The noble Duke had stated the reasons for which he had supported the appointment of the committee, and had said that he was satisfied with the result, and that this result entirely justified the course which he had taken. He had opposed the appointment of the committee, on the ground that it was unnecessary and useless, and intended to criminate and accuse the Government of Ireland. As to obtaining by its means, information, it was, as he thought, useless; but, whether it had proved so or not, as he had not perused this great body of evidence, he could not say, but having heard the substance of the evidence, with respect to Ribandism, very fully, and no doubt very fairly, stated by noble Lords near him, he was of opinion, with respect to secret societies, that the committee was a complete failure. There was nothing proved that they had not heard for many years—there were no new circumstances, and no new information on the subject. The noble Lord opposite (Wharncliffe) was well acquainted with the state of Ireland; he well knew what had taken place in committees on Irish affairs for the last twenty years, and he had taken part in the debates on those affairs, and he would appeal to that noble Lord, whether, with respect to secret societies or Ribandism, whatever it might be called, there were stated any circumstances with which they were not acquainted before the committee was appointed?

Their nature, their object, and the manner in which they worked, had been well explained by his noble and learned Friend who had lately addressed the House; he fully agreed in that noble Lord's view of the subject, but at the same time there was no subject on which they ought to be more cautious in expressing their knowledge. In the first place all was secret; all that was unknown was assuredly greatly dreaded; there was no subject on which there was more room in which fancy could work. In the next place, when they were adopted in one part of the country, it was said that they had great communication with others. Many of the members entertained violent and ulterior views—many were not acquainted with those views; the more artful did not state to the others their object. It was always stated that there were progressive degrees in the society—to some of these part of the society were admitted, and part not. He acknowledged the great dangers of such societies—he acknowledged the great evil which they might effect; but still it was a subject on which it behoved a person to exercise extreme caution as to the belief which might be grounded on such suspicion or such evidence. Some very sarcastic observations had been made in the course of the debate, and especially by the noble Duke, in reference to its having been said that there were nine millions of inhabitants, and that they could not be resisted, and because it had been also said that there were five hundred thousand ready for any purpose for which it might be called for. They all knew very well that the influence of particular individuals was very great; their extraordinary influence was not exerted through secret societies; he was not so much afraid of secret societies, but public meetings were much more to be feared. Give him the force and the power of a public meeting, and he was not very much alarmed at any political danger from secret societies. The noble Duke had, as usual, brought forward two or three charges, which he had before made—he said that now every one admitted that secret societies did exist. He owned that this seemed a strange delusion on the part of the noble Duke. They were known to have existed for a long time. It had been so stated by his noble and learned Friend—it had always been admitted—it was known that there had been the Society of United Irishmen—it was a society which grew

up suddenly—it grew up secretly—it grew up to a great extent without the knowledge of the Government of the day. There had always since been secret societies of all descriptions for the worst of purposes—to control trade, to control labour, and for purposes of tyranny and of violence; and it was impossible to deny that to the violence from which the country in which we live was unfortunately not exempt, there was a greater propensity in Ireland. Then the noble Duke made another charge, that while the Government knew of the existence of these secret societies, and these elements of evil, there had been a speech from the Throne congratulating the House on the peaceable state of Ireland. He only remembered one occasion in which there was such a speech, and that was at the end of the Session of 1834, for which the noble Duke (Richmond) was fully as responsible as himself, and the Government did conceive that they were then justified, by the circumstances which then existed, to state the greater degree of tranquillity in Ireland. They did not negative that there was not in Ireland any dangerous symptoms; he thought, then, the Government was justified in putting into the mouth of the Sovereign on the Throne the congratulation of improvement, and he thought now that they were justified. Then the noble Duke (Wellington) complained that, with the state of things that existed in Ireland, and with the other dangers that threatened, they had reduced the peace establishment. Than this statement nothing could be more erroneous. He could not mean that they had not provided as large a civil and military force as they had received from the noble Duke in the year 1830. But what the noble Duke meant was, that circumstances had since arisen, for he said, “You have drawn troops from Ireland to support the war in Canada,” and that when these circumstances had arisen, and there had been this great demand, they had not augmented the force of the country to meet them. The great question of the police was not discussed by the noble Duke. But the Government thought that present circumstances justified them in trusting the maintenance of the interests of the country to the force at present in their possession. He must observe that very often general opinion made a force which was not otherwise of quite sufficient

strength, quite adequate for the purpose they were required; and he confessed that he did not see the policy of continually proclaiming the inadequacy of our present force, and it did appear to him that such a statement, coming from such an authority and such a source, was calculated to produce the effects which were deprecated.

The Duke of *Wellington* explained. With regard to what he had said as to secret societies, he hoped that the noble Viscount would not run away with the opinion that secret societies were known to have existed, because it was known that there had been a secret society of United Irishmen. What he contended for was, that the existence of the United Irishmen was not known till the evidence of one gentleman let it out, and showed what the organization was; and as the existence of the society was unknown till that information was procured, and as it turned out to be afterwards a rebellion of the most formidable character, from the effects of which the country had been suffering up to the present moment; so, he said, that the same ignorance of all the events—the same inattention to this state of organization up to the recent inquiry—might possibly produce the same consequences. That was what he had contended for, and that was what he contended for still. There could be no direct evidence upon this part of the case; it must be all derived from hearsay; he did not pretend that there was the same complete organization, but all the evidence produced before their Lordships' committee went to the same point, that there was now the same ignorance of all organization as there was of the organization of the United Irishmen up to the last moment of the breaking out of the rebellion, and they ought to beware that the same events did not happen from the same organization. He had also mentioned that the peace establishment had been considerably lowered; but he did not make any comparison between the general peace establishment of this day and of the year 1830. He thought that the peace establishment was reduced in 1829, and if he was not mistaken, it was reduced again in 1832 or 1833. Therefore, in the year 1838 it was lower than in 1830. He had made no comparison, but he must remark, that on the peace establishment, as originally fixed, the force of the army was at least 10,000 higher than in 1838. It was

reduced by the Government to which he had had the honour to belong, below the first amount, and it had been also reduced, for the sake of economy, the same season by the Government at the head of which was the noble Earl (Grey.) The establishment in Ireland had been more reduced than had been ever known on any other occasion, on account of the war in Canada. His opinion had always been, and he had frequently stated it, that the establishments in Ireland, and elsewhere, ought not to have been reduced at that period and that the establishments at home, and elsewhere, ought to have been kept so complete, that the war could be carried on in the other part of the world; and he now repeated, that if proper exertions had been made two years ago, the country would not have been in the state in which he was afraid they found it at the present moment, and in which he was still more afraid they would find it a short time hence.

The Earl of *Roden*, as the mover of the committee, must say a few words, and they should be but few. The witnesses called were the police magistrates, the agents of the police, and Major Warburton. Not knowing whom it was best to examine, the committee asked Major Warburton, and he recommended them to take the evidence of Major Rowan, Captain Despard, and others, who were examined. He thought that the comments on Major Rowan had been most severe. That gentleman again and again said, that he was an unwilling witness; he was brought there, and being on oath, he was bound to give the knowledge in his possession. He would take the evidence of any one of the other witnesses, and would compare it with the evidence of Major Rowan, and it would be found quite as strong as the evidence of that gentleman; nothing could be clearer than Major Warburton's own view of this conspiracy, extending itself, as he said, to all parts of Ireland, and increasing from day to day. He did object to the answer given to his former speech in 1837, referring to the tranquillity of Ireland, for he then knew of this wide-spreading conspiracy, and he had been fully borne out in his representations by the evidence taken before the committee. In his speech of 1837, the noble Marquess denied that there was a secret society with any political object; the evidence proved that it had a political object. Major Warburton expressly said, that it was not agrarian, but

that it had more of a political object. The noble Marquess said then that he had no knowledge of any such oath, as he had quoted at that time. [The Marquess of *Normanby*: You quoted an oath which was to make Mr. O'Connell king of Ireland.] He did not read any oath of that kind. On the 16th of April, 1836, Mr. Tracy, in a letter to the Government, directly referred to this secret society, and called it a widely-spread and dangerous conspiracy. He said in that letter.

"In reference to my report of the 10th ultimo, relative to a combination called 'The Shamrock Society,' lately discovered in this town, I have the honour to state, for the information of his Excellency the Lord-lieutenant, that the testimony of ———, alluded to in that report, has been strongly corroborated within the last three days by the concurrent evidence of two individuals who are connected with the association, and each of whom is ignorant that any information has been given by the other. The first and principal informant is ———, as stated in my letter of the 25th of February; and although he denied having any knowledge of the society ———, he is now not only ready, but anxious to give all the information in his power. He wished to communicate on the subject with the Messrs. Faussett and myself together in the first instance; but I was absent on duty, and therefore he was examined by Mr. William Faussett only, who took down the most of his statement in writing, and he has promised to meet that gentleman and me to-morrow evening, to communicate to us the proceedings of a meeting at which he is to attend this night, for the purpose of settling 'the county delegate's accounts.' The second informant is ———, who denies being a member of the society, but states that he is pressed to become one; that he knows much of the movements of the body, and has offered to conduct me to the house where I shall find the society at their occupation and their papers with them. But ———, above-mentioned, states that ——— is a member of the society, and that * * * * *, who first gave information as to the existence of this widely spread and dangerous confederacy, states that he has been at some meetings of the society since his examination before the Crown solicitor and me on the 8th of March; that he has seen several new members initiated, and his general statements are fully borne out by the testimony of the persons above-mentioned. The several statements made by those persons, and the purport of the documents produced by ——— and ——— are too voluminous for the limits of a report, and as they are on a subject of more than ordinary importance, and requiring a very skilful mode of treatment in its development, I would wish to confer with the Solicitor-general, or such other legal authority as I might be

referred to, in person, in order that I might receive his instructions on several points of the case, which could not so well be conveyed to me by letter; but of course I could not go to Dublin for the purpose of obtaining such instructions without the orders or permission of his Excellency. I have little or no doubt, from the means of information within my reach, of being able to apprehend, if directed so to do, the members of at least one of those secret clubs in a week or two: but it occurs to me that it will be very difficult to obtain their conviction under any existing act of Parliament; their regulations and passwords being arranged with great caution, and their members being admitted by a declaration instead of an oath. The informants whose names I have mentioned are in terror lest they should be discovered, and therefore any attempt to examine them here by a person sent from Dublin would be worse than useless; but if, after my interview with the law officer of the Government, it should be thought expedient to re-examine them at all, I could easily make arrangements for having them sent up to ——— separately, and thereby prevent their suspecting the business of each other, and their associates from suspecting them to be informers against the society alluded to."

He could not, therefore, conceive, how the Government could deny their existence. One part of the oath pledged the members to secrecy, and the other pledged them to turn out to assist Mr. O'Connell in obtaining justice for Ireland; he had not said a word about making Mr. O'Connell king of Ireland. He felt most grateful to the noble Duke for the assistance which he had given him when he moved for this committee, and he begged to express his sincere gratification, at the termination of the inquiry, and he hoped that the object which he had desired to be attained, the benefit of his country, would be secured. If this bill had been the consequence of that inquiry, he thanked the Government also for having taken up the subject, even though thus late.

Viscount *Duncannon* begged again to remind their Lordships to the fact, that this bill was not produced by the inquiry before this committee. It had been brought before Parliament before the committee was appointed, or, at all events, before the any of the evidence adduced could be made public.

The Bill went through Committee, and the report was ordered to be received.

HOUSE OF COMMONS,

Thursday, August 8, 1839.

MINUTES.] Bills. Read a first time:—*Forfeiture of County*

ties; Administration of Justice.—Read a second time:—Bank of Ireland; Joint Stock Banking Companies. Petitions presented. By Mr. Fielden, from Puttenham, and several other places, against the New Poor-law.—By Mr. T. Duncombe, from St. Andrew's, Holborn, against the Collection of Rates Bill.—By Captain T. Wood, from Uxbridge, for the Suppression of Dog Carts.—By Mr. O'Connell, from Clara, and Tuam, against the Bank of Ireland Charter.—By Lord J. Russell, from the Provincial Medical and Surgical Association, for Legislative Enactments to regulate Admission into the Medical Profession.—By Sir R. Inglis, from the Clergy of Durham, against the Church Discipline Bill; from Clergy of Dorchester, against the Ecclesiastical Duties and Revenues Bill; and from Freshford, against a further Grant to Maynooth.—By Viscount Morpeth, from Donegal, for an Alteration in the Grand Jury Laws (Ireland); and from the Geological Society of the West Riding of Yorkshire, for the Structure of National Maps on a large scale.

STANDING ORDERS. RAILROADS.]

The *Attorney-General*, in requesting the attention of the House to the motion of which he had given notice, for a revision of the standing orders requiring a deposit of 10 per cent. on railroads, would only occupy the attention of the House for a very short time. It would be unnecessary for him to say anything on the great advantages which the public had received from railroad communication; they had been generally felt and experienced. On Tuesday he had conducted a prosecution of great importance at the assizes in the town of Warwick, and the same evening, at six o'clock, he was in his place in that House, ready to bring on his motion, if he had not been prevented by the House having been very unfairly counted out by some persons who wanted to get rid of this motion by a side wind. He did not, however, see that he had much cause to regret the course that these persons had thought fit to pursue, because he had now a more numerous attendance, and, therefore, he had reason to expect a more numerous majority than otherwise would have supported him in this question. That question was what amount of deposit should be paid by the promoters before bills of the second class for the promotion of railroads were brought in? It had been most unfairly stated out of doors that his object was to get rid of a deposit altogether. He had no such object in view. He was quite aware of the necessity that some deposit should be made, and was as much opposed to gambling and bubble speculations as any hon. Member in the House. He admitted, therefore, the necessity that a deposit should be made. But the question for consideration was, what should the deposit be? He was aware that a

committee of that House had investigated the subject, and, after a very laborious examination, had come to the conclusion, that the deposit should be 10 per cent. on the subscribed capital, before the bill was brought in. On the other hand, the House of Lords had also inquired into the subject, and they had found that 5 per cent. was a sufficient deposit, thus adopting the resolution which he was about to propose *totidem verbis*. But while a deposit of 10 per cent. was required by the standing orders of that House, that mitigation in the other House of Parliament was wholly unavailable. He considered that state of things extremely inconvenient and objectionable, and that the high amount of deposit required by the standing orders of the House of Commons checked a number of *bonâ fide* speculations, the completion of which would have proved profitable to those concerned, and highly beneficial to the interests of the public. To remedy those evils, and to introduce a substitute which would give fair facility to *bonâ fide* undertakings, and act at the same time as a sufficient check on improper speculations, he moved that instead of the deposit of 10 per cent. required to be paid by the standing orders of railway bills, before such bills were introduced, that that deposit should be paid by two equal instalments. The first instalment of 5 per cent. before the bill was brought in, and the second, also of 5 per cent., before the concern was commenced, and that this bill should contain clauses to that effect. As an instance of the injurious effects which resulted from the present rules of the House, he would mention the case of a most important line of railroad now in contemplation from Newcastle to Edinburgh, an undertaking approved of and supported by men of character and substance; but these persons found it was a very serious matter to deposit 10 per cent. on the capital required to carry out the line, which might remain locked up totally useless for a period of two years. The persons who were anxiously concerned in the success of that line of railroad found that the deposit of 10 per cent. acted as a barrier against the progress of that useful measure. The hon. and learned Gentleman concluded by moving that the standing orders be read, which, having been done, he then moved the insertion of words to give effect to his motion,

Mr. *Poulett Thomson* must oppose a motion which at this period of the Session called upon the House to alter a standing order that had been in force for some time, and which had been adopted on the suggestion of a select committee which had minutely investigated the subject with great attention, and who had come to an almost unanimous opinion on the subject. His learned Friend had really brought forward no good grounds to induce the House to agree to his motion. Although his learned Friend had made some vague allusions to useful undertakings having been prevented by the present standing order, yet the only instance he had adduced was that of an intended railroad from Newcastle to Edinburgh. His learned Friend knew better than he could pretend to do of the situation and circumstances of his constituents, but he thought it was rather too much for his learned Friend to come down to that House, and say in effect that the inhabitants of such a city as the metropolis of Scotland were so poor, so miserable, and so badly off, that they were unable to pay up 10 per cent. on the sum required for the construction of an undertaking from which they expected so much benefit; and that for such a reason the standing orders of that House should be repealed. It would have been a better, at least a plainer course for his learned Friend to have asked the House to repeal the standing order in regard to Edinburgh alone. That would have been intelligible. But instead of that, his learned Friend proposed, that for such a reason they should repeal the standing order in regard to all cases. His learned Friend said, that the security of five per cent., to be paid before the bill was brought in, and five per cent. before the work was in operation, would be a sufficient check on gambling speculations. He denied that it would be so; and whoever would read the evidence of the select committee of 1836 and 1837, moved for by the hon. Member for Bridport, would be of the same opinion, and see the mischief which the present standing order had checked. Shares were frequently as low as 20*l.*, and a deposit of 1*l.* only was required. That was done by attorneys and engineers, who deluded people into their schemes by bringing them into the Stock Exchange, requiring only such small deposits, and thus inducing persons of small means to embark in them with the prospect of sell-

ing soon after at a premium. He did not believe that the regulation had stopped the progress of really useful public undertakings. Unless some security were preserved, the public would be exposed to constant annoyance from solicitors and engineers with endless schemes, which would interfere with their properties, and keep the people in constant anxiety and alarm. He really thought that his learned Friend, instead of bringing forward this motion, should have followed the example of his respected predecessor, who gave his casting vote in favour of the resolutions of the committee on this subject.

Mr. *O'Connell* would support the motion of the learned Attorney-general, the success of which would be of great use to Ireland. It might perhaps be a calumny for the right hon. Gentleman, the President of the Board of Trade, to say that the people of Edinburgh were poor, but it was known to him, that the people of Dublin were so. Many important schemes were stopped in Ireland, in consequence of this standing order requiring a deposit of 10 per cent. The House had thought fit to refuse to the people of Ireland, a loan to enable them to carry on their railroads; they were thrown on their own means, and so long as the standing orders continued, he saw no prospect of their being able to make any progress. He thought five per cent., was a very substantial deposit. The argument of the President of the Board of Trade, that the payments might be frittered down to 1*l.* or 2*l.*, by proving too much, established nothing at all. He trusted the House would consider a deposit of five per cent., before the bill was brought in, and another five per cent. before commencing the undertaking, a sufficient security; and that they would agree to the motion of the Attorney-general.

Mr. *H. Hinde* said, the House had now two years' experience of these standing orders, and the result had been that no new line of railroad had been since brought under the consideration of the House. The Stone and Rugby was not a new line, but the continuation of a line which had received the sanction of the House. When the right hon. Gentleman, the President of the Board of Trade, spoke of the small sums which might be paid by each individual, he forgot the large aggregate amount. The capital required for the Newcastle and Edinburgh Railway, was

2,000,000*l.*, and the deposit of 200,000*l.* would be locked up for years, till the work was completed. He cordially supported the motion, and was exceedingly glad, that it had been brought forward by the hon. and learned Gentleman, and that he had been able to support his own views, and those of his constituents, and at the same time to act in a manner consistent with the duties of his public character.

Mr. *Warburton*: The committee of 1837 had investigated two cases in particular. In one of these, they found that thirty-three parties had each paid 5*s.*, and subscribed to the amount of 234,000*l.* In the other case, twenty individuals paid 10*s.* a-piece, and subscribed for 23,000*l.* It was to stop such proceedings as these, that the standing order was made. At that time the standing orders required deposits of 2*l.* 10*s.* How, then, could they expect to stop these proceedings by merely doubling the deposits? He did not think that the House could do real *bond fide* undertakings, greater benefit than maintaining these resolutions, and he should therefore oppose the motion.

Mr. *Freshfield* said, that if the House agreed to this motion, they would be encouraging in railroads, that system of gambling, which they had put a stop to in lotteries. There would be no prospect of getting the remaining ninety-five per cent. paid up by the promoters of these speculations, if they could get their bill on paying five per cent. deposit. Speculators would bring forward schemes on such terms as would give them a right to gamble, with the intention of getting other persons to take up the concern which they themselves never intended to carry into effect. The interests of the public required that this standing order should not be disturbed.

Mr. *R. Stewart* said, the question was one of great importance to Scotland and Ireland, and he should support the motion of his learned Friend the Attorney-general. The right hon. Gentleman, the President of the Board of Trade, had endeavoured, with great tact, to stir up the pride of Scotland by an allusion to their poverty. The "pride and poverty" of Scotland was proverbial. In this case, however, he would sink the pride, and freely admit the poverty, because, unless the motion were carried, he feared that every intended line of railway in Scotland would be stopped.

The motion would fix the deposit 50 per cent. higher than was paid under the old system, and also in addition to that, before a stone of the work could be laid, 50 per cent. additional must be paid up, so that before the land of any proprietor could be taken, the whole sum must be paid for which the House had stipulated.

Lord *G. Somerset* objected to such a proceeding being taken at this late period of the Session, when three-fourths of the Members had left town. He thought, the present rule had not produced any practical inconvenience, and he should, therefore, vote against the alteration.

Mr. *Macaulay* said, it appeared to him that, with regard to the general principle, they were all agreed that it was inexpedient to place obstructions in the way of *bond fide* undertakings; and that on the other hand, they should endeavour to check parties from bringing forward improper speculative schemes. The hon. Member for Bridport said, there had been abuses under the old standing orders, when 2*l.* 10*s.* was paid, and that these abuses could not be stopped by doubling the deposit. Undoubtedly, he was not prepared to say to demonstration what the precise amount might be,—he could not name the absolute multiple that would produce the desired effect, nor could he at once say that 10 per cent. was the actual thing. But he knew that many persons of the highest respectability, integrity, and substance, were prevented from going on with the line of railroad to which his hon. and learned colleague had alluded, and who would proceed with the execution of the plan if this motion were carried. That was a fact which showed that if the old amount, 2*l.* 10*s.*, was too low, 10*l.* was too high, and he should, therefore, vote for the intermediate proposition of his hon. and learned Friend.

Sir *R. H. Inglis* said, the whole question here was about one railroad between Edinburgh and Newcastle. It was said that the alteration would benefit Ireland, but the hon. and learned Gentleman would not have brought the measure forward, except in his zeal for the interests of Scotland, and the city of Edinburgh in particular. It was said that the notices had already been given. If so, they would be legislating *ex post facto*. On general principles, as well as in reference to this particular case, he should oppose the proposition of the Attorney-general.

Mr. *Easthope* understood, from what had taken place in the debate, that a contemplated line of railroad from Newcastle to Edinburgh had been retarded by the standing orders, which required a deposit of 10 per cent. before the bill could be introduced to that House, and which could not be paid, owing to the poverty of the people of Scotland. The hon. Member for Honiton admitted, that the poverty of the people of Scotland was so well known and complete, that that was the reason why that railway could not be proceeded with. If that were true, he begged to ask how it was, that a large proportion of the capital embarked in railroads in this country was invested by Scotchmen, and that some of their largest subscribers were inhabitants of Edinburgh, Glasgow, Aberdeen, and the other great towns of Scotland? The fact was, that this railroad, if forwarded at present, must be forwarded by gamblers, who would possess no ultimate interest in the concern. The Scotch were a very rich and a very wary people. They did not embark their money without considering the probability of a return; and if they could get other people to make the first investment they would be willing to permit them, knowing, that although the undertaking might not be worth 100 per cent., it might be worth 70 per cent. If the House agreed to this motion, railroads would again fall into the hands of gamblers. A committee would again be called for by the hon. Member for Bridport, and the Attorney-general would find it his duty to prosecute those concerned. The hon. and learned Member for the city of Dublin said he should support the motion, because he thought the present rule prevented the progress of railways in Ireland. He put it to the knowledge and sagacity of his hon. and learned Friend, whether the carrying of the motion would answer his expectations. Persons of capital, in any country, desirous of embarking their money in such undertakings, would look to the practical result, and not be guided by the amount of deposits they might have to make, but by their expectation of an advantageous return. If the concern showed a fair prospect of success, there would be no want of subscribers to provide the necessary capital; and if not, it was not consonant with the character of the House to encourage such schemes; and he was sure it was not for the benefit of the country that they should be proceeded with.

Mr. *Thornely* was cognizant of many frauds with respect to lists submitted to the committees of the House; but he had always doubted whether it was necessary to inflict the penalty of 10 per cent. on parties coming to Parliament for railway bills. He held in his hand a list of thirty-four railways in operation, twenty-four of which were at a discount, and if the shares were sold at the market price there would be a loss on them of three millions.

The *Attorney-General*: As to the argument that it was too late in the Session, this was the very time for revising the standing orders, that those likely to engage in such projects next Session might know the intention of Parliament, and not be subject to regulations made at the commencement of a Session, and which must necessarily have an *ex post facto* operation. It could not be said that the orders of the Standing Orders Committee were as irrevocable as the laws of the Medes and Persians, and that they could not be altered on consideration. How had the regulations of the other House of Parliament been impugned, which fixed 5*l.* as the sum? He did not dispute that when it was fixed at 2*l.* 10*s.* abuses existed, but the onus lay on those who wished it to be 10*l.* to prove that necessary; and for that he had heard no argument. Let it be recollected, that he did not object to deposits of 10*l.*; he only asked that modification which should enable parties to divide this sum into two parts, one to be paid before the bill was introduced, and another before it came into operation. He believed this would be ample security against abuses, and that no interest in the community need be under any apprehension on account of it.

The House divided.—Ayes 45; Noes 62: Majority 17.

List of the AYES.

Aglionby, H. A.	Finch, F.
Barnard, E. G.	Hinde, J. H.
Boldero, H. G.	Hodges, T. L.
Bramston, T. W.	Hodgson, R.
Bridgeman, H.	Howard, P. H.
Broadley, H.	Hutton, R.
Brotherton, J.	Maule, hon. F.
Buller, C.	Morpeth, Lord Visct.
Callaghan, D.	O'Connell, D.
Cave, R. O.	O'Connell, J.
Craig, W. G.	O'Connell, M. J.
Dalmeny, Lord	O'Ferrall, R. M.
D'Israeli, B.	Oswald, J.
Divett, E.	Paget, F.
Ewart, W.	Pechell, Captain

Pryme, G.	Stock, Dr.
Rich, H.	Thornely, T.
Rutherford, rt. hon. A.	Troubridge, Sir E. T.
Scholefield, J.	Vigors, N. A.
Shiel, R. L.	Wakley, T.
Somerville, Sir W. M.	Wilbraham, G.
Stanley, hon. E. J.	TELLERS.
Stanley, hon. W. O.	The Attorney-General
Stewart, R.	Macaulay, T. B.

List of the NOES.

Anson, hon. Colonel	Loch, J.
Arbuthnott, hon. H.	Lushington, C.
Ashley, Lord	Lushington, rt. hon. S.
Blackburne, I.	Lygon, hon. Gen.
Blake, W. J.	Mildmay, P. St. J.
Bowes, J.	Palmer, G.
Burroughes, H. N.	Parker, J.
Chetwynd, Major	Parker, R. T.
Chute, W. L. W.	Parnell, rt. hon. Sir H.
Cochrane, Sir T. J.	Philips, M.
Cowper, hon. W. F.	Powell, Colonel
Darby, G.	Redington, T. N.
Donkin, Sir R. S.	Rice, right hon. T. S.
Douglas, Sir C. E.	Round, J.
Duncombe, T.	Rushbrooke, Colonel
Easthope, J.	Russell, Lord J.
Estcourt, T.	Seymour, Lord
Fielden, J.	Smith, R. V.
Forester, hon. G.	Somerset, Lord G.
Gordon, hon. Capt.	Surrey, Earl of
Grey, rt. hon. Sir C.	Thomson, rt. hon. C. P.
Grey, rt. hon. Sir G.	Trevor, hon. G. R.
Grimsditch, T.	Vere, Sir C. B.
Hamilton, C. J. B.	Williams, W.
Hector, C. J.	Wilmot, Sir J. E.
Henniker, Lord	Wood, C.
Hill, Lord A. M. C.	Wood, G. W.
Hodgson, F.	Wood, Colonel T.
Hope, hon. C.	Wrightson, W. B.
Hoskins, K.	
Howick, Lord Visct.	TELLERS.
Ingdis, Sir R. H.	Freshfield, J. W.
Labouchere, rt. hon. H.	Warburton, H.

CONTINUANCE OF THE POOR-LAW COMMISSION.] The Report on the Poor-Law Commission Continuance Bill was brought up, and agreed to.

Mr. *Darby* rose to move again the clause which he had proposed last week in the Committee. He trusted the House would pardon him for a few moments, while he called their attention to the circumstances under which this clause was now proposed. A clause that the guardian should have power to give relief in certain cases, was carried by a considerable majority. He had then intended to introduce the clause which he now proposed, but the noble Lord stated, that if that clause was carried he would probably abandon his bill; yet he admitted, that as the instruction had been carried by a majority, he

did think some alteration should be made in the bill. On the noble Lord proposing a clause, the hon. Member for Buckingham moved an amendment to it, thinking it was too large, which amendment was carried; but the hon. Member for Buckingham afterwards joined with the noble Lord, and threw out the clause altogether. There was great confusion in the House at the time, and it was not until some hon. Members had left the House that he was aware he had been made a teller with the hon. Member for Buckingham, otherwise he should have voted against him. However, he had this admission, that with respect to labourers married before the passing of the Poor-law Amendment Act, great hardship existed; and the right hon. Baronet, the Member for Pembroke, admitted, that if the Poor-law Bill was intended to be carried out, according to those orders which prevented any relief except by taking the whole family into the workhouse, it was impossible it could work. The right hon. Baronet, the Member for Tamworth, had stated that the whole question had better remain over, and be considered at a future time; but that with regard to labourers married before the passing of the Act, one objection to giving them relief in the manner proposed was, that so much time had elapsed since the Act passed. But that was the very reason which urged him to bring forward the subject at this time, because that argument would apply with double force if the bill were to continue for two years more without any alteration. On this subject he would refer to the evidence of Dr. Kay, whose authority the noble Lord would be inclined to admit. Dr. Kay stated, that, as workhouse schools were now conducted, there existed considerable difficulty in imparting to the children the elements of sound secular or religious knowledge, which might, however, be overcome by a different system of management. Dr. Kay said, in his evidence, that imprudent marriages had decreased in those districts in which this law had been brought into operation, and the noble Lord objected to his clause, that, in his opinion, it would be likely to lead to a return to the old system. He did not think the noble Lord had any right to make such an objection to his clause, because it would not encourage imprudent marriages, but only went to remove that which the noble Lord himself had admitted to be a hardship.

This clause would render it necessary that inquiries should be instituted as to the time when the parties were married; this would necessarily lead to other inquiries, so that no relief would be administered without a previous inquiry into the circumstances of the family. Having had the admission of the noble Lord that the law, as it now stood in this respect, inflicted a hardship, and having heard the right hon. Baronet, the Member for Pembroke, admit that if this part of the law had been fully acted on in his part of the country, it would have been impracticable, he was at a loss to understand the grounds upon which his clause was opposed. The principle of the Act was to prevent persons entering into imprudent marriages, and there was nothing in the clause which he proposed, to contravene that principle. If this clause should be negatived, he supposed the noble and learned Lord would introduce his own clause, as he had admitted, that, after the decision the House had come to on this subject, something ought to be done. If the clause should be carried, the noble Lord might, perhaps, propose to put off the bill to another Session. To this he should not object, but he trusted that it would be carried. He had never made any use of this question for the purposes of agitation; on the contrary, he had always warned the working classes against such proceedings; but he thought this clause was likely to do good, by showing that the House was willing to attend to what the noble Lord himself had admitted to be a hardship. The hon. Member concluded by moving a clause to enable the guardians of the poor to give relief to widows and able-bodied men, having families, out of the workhouse, who were married before the passing of the 4 & 5 Will. 4, cap. 76.

Mr. *Burroughes*, in seconding the motion, said, he considered the withdrawal of all power to grant relief unless it was accompanied by the confinement of a whole family in the workhouse, pressed with peculiar hardship upon those able-bodied labourers who had large families in consequence of marriage previous to the passing of the Poor-law Amendment Act. It had been said, that if the motion of the hon. Member for East Sussex was carried, it would bear hard upon those who had married only a short time after the new Poor-law came into operation. Granted that it might do so, it might appear to

bear hard upon such persons, but it would be in appearance only, for in reality one man's family would not be worse off because his neighbour was not placed in an equally miserable condition. Moreover, the bill they were now enacting was only a temporary measure, and the provisions of it would have passed away before it was possible that a man who had married since the Poor-law Act passed should have a very large family. He had always understood that one object of the Poor-law Act was to prevent improvident marriages, and such had certainly been the effect of it. In the evidence of Dr. Kay, as quoted by his hon. Friend behind him, it was shown that in a certain number of parishes, from which Dr. Kay had been able to procure a correct return, the marriages had decreased immediately upon the Act coming into operation, whereas the number had been increasing the two previous years. He did not think the lower orders were so dull of comprehension in matters that affected their own interest as might sometimes be imagined. He was well aware of the many defects that had crept into the administration of the old law, and he was far from advocating anything like a return to the old system; but he thought it was harsh to visit the sins of the system upon the heads of the unoffending victims to it, and to starve the unfortunate offspring of an improvident marriage because the parent could not bring himself to submit to the degradation of being incarcerated in a workhouse, and to suffer punishment differing but little from that inflicted upon persons convicted of crime. The motion did not call for any compulsory provisions, but simply for a discretionary power to afford relief in certain cases where the new Poor-law Act, to all intents and purposes, was an *ex-post facto* law. He did not wish to speak harshly or disrespectfully of the Poor-law Commissioners, but he did think that boards of guardians would exercise a sound discretion in this matter, a discretion as sound at all events as that which dictated the sending ten or a dozen peremptory orders from Somerset House to different Unions in the county which he had the honour to represent, whilst this discussion was pending in the House of Commons, some of which orders were received upon the very day that the Hon. Member for East Sussex carried his instruction to that committee in that House. Dr. Kay's evidence before the

committee last year had been before al-
luded to ; in answer to question 5060 that
gentleman said—

“ Generally, I believe that Boards of Guar-
dians administer relief with care, and that dis-
cretion may be entrusted to them.”

In answer to question 5061, Dr. Kay
said—

“ The discretion must be entrusted some-
where, and I do not think the discretion can
be entrusted anywhere better than to a large
body not representing individual interests, but
representing general interests, and practically
acquainted with the habits and wants of the
poorer classes, and which body also comprises
persons of great intelligence of the upper
classes.”

One more question from Dr. Kay's evi-
dence and he had done. In answer to
question 4793, Dr. Kay was pleased to
allude to the union with which he (Mr.
Burroughes) was more immediately con-
nected, and of which he was then chair-
man, and Dr. Kay called it “ one of the
best managed unions in the County of
Norfolk.” Now he thought that Dr. Kay
was rather too apt to speak in the super-
lative degree, and as he had very much
exaggerated the meaning of the words
which he (Mr. Burroughes) had made use
of upon that occasion, he would suppose
he meant as well managed as any, rather
than “ best ;” and when he told the House
that the peremptory order of the Commis-
sioners had never been acted upon in that
union, but that the guardians had always
exercised the discretionary power now
asked for ; he trusted that he had made
out a case sufficiently strong to induce the
noble Lord to consent—or at all events to
induce the House to grant a continuance
of that small portion of discretionary power
which had hitherto been enjoyed by the
union where he acted, and to enable other
unions to adopt the same if they should
think fit.

Mr. C. B. Hamilton trusted he should
not be accused of presumption, having so
lately had the honour of taking his seat in
that House, if he ventured to say a very
few words in support of the vote he in-
tended to give in favour of the clause pro-
posed by the hon. Member for East
Sussex. His opinions having been re-
corded in favour of the New Poor-law in
the 2nd volume of the Commissioners' re-
port, he was anxious to state why he con-
sidered the clause now under considera-
tion an improvement. The noble Lord

opposite was aware that he was, and had
been ever since the passing of the Act,
chairman of one of the most extensive
unions in the kingdom. The board con-
sisted of eighteen exofficial, and thirty-
eight elected guardians, and he believed
he was speaking the opinions of a majority
of those gentlemen, who were well quali-
fied from habits of business and residence
in the country, to judge of these matters ;
when he now recorded his own in favour
of the amendment. The clause after all,
did not go to say that they must give
relief out of doors, but only that they
might in certain cases, and where they
saw the necessity, give that relief directly,
which he would venture to say, in nine
unions out of ten, had been given indi-
rectly, for the last two years. If he
thought, as some hon. Gentlemen did,
that the adoption of the clause would
annihilate the whole measure, he would
not support it, but he was convinced no
such result would ensue. He had ever
given the Government credit for having
brought in and carried out the New Poor-
law Bill in good faith, and without any
reference to party feeling, or to serve
party purposes ; but when he admitted
this, truth compelled him to add, that in
his opinion there were many provisions in
the bill, that pressed severely on the
humbler classes. The bastardy clause, he
thanked Heaven, was at an end—a mea-
sure the most unjust and ineffectual that
ever was concocted—unjust to the rate-
payer, and most unfair towards the fair
sex. The clause, too, respecting widows,
he by no means approved of, and there
were many others that required amend-
ment. On the present occasion he should
content himself with supporting the clause
more immediately under consideration,
and in so doing, he believed that he was
acting in accordance with sound policy,
justice, and humanity ; more particularly
when the present state of the country was
taken into consideration.

Lord J. Russell, considering the full
discussion which this clause had formerly
undergone, would advert as little as pos-
sible, to the arguments which had then
been urged in its defence, and which had
been fully answered. He retained all the
objections which he had formerly urged
against this clause. He considered it to
be at variance with every other clause in
the Poor-law Act. It was also a renewal
of the worst part of the old system—viz.,

the allowance system. It would expose the new law to universal relaxation, and would, in that respect alone, be productive of the most pernicious consequences. It would create great dissatisfaction among the labourers, as it would divide them into two distinct classes, one of which would be entitled to relief out of the workhouse, and the other not, and that, too, without the slightest reference either to the goodness or the worthlessness of their character. It would also induce the employers of labour to engage those who were entitled to workhouse relief, in preference to those who were not—and for this reason, that they might employ the one at 10s. a-week, and send him to the parish for 4s. more, whilst they would not be able to get the other, without paying him the full amount of wages. By the cogency of such arguments, and by the want of uniformity thus created in the system of Poor-laws, the House would be compelled to break down by degrees all the efficiency of the present law. With regard to widows, a return recently laid on the Table distinctly proved that there was no necessity for such an enactment as that now proposed by the hon. Member for East Sussex. With respect to able-bodied labourers, he found, upon communication with the Poor-law Commissioners, that they had no objection to relax their peremptory order wherever it should be represented to them by the guardians, that they wished to take one or more children of able-bodied labourers into the workhouse. It would, in his opinion, be better to take this relaxation from the Poor-law Commissioners than to adopt this clause, which would be binding on them as a principle of law: for the Act, if thus altered, would weaken the authority of the Commissioners just as much as it strengthened that of the boards of guardians. He thought that the past conduct of the Poor-law Commissioners, had been such as ought to induce the House to place every confidence in them. As the House would of necessity have to consider the whole of this matter again in the course of next year, it would be unadvisable to proceed further with this clause during the present Session. He should certainly meet this clause with all the opposition in his power.

Lord *G. Somerset* expressed his intention to support the clause. So far was he from being willing to extend the authority

of the Commissioners, that he had every desire to abridge it: for he would tell the noble Lord, that he had no confidence whatever in the Poor-law Commissioners. He had no doubt that they had acted from the best motives; but still he could not conceal his conviction, that they had not exercised their discretion soundly in the administration, or rather in the refusal, of out-door relief. He complained that they had not even acted uniformly upon their own principles. In one district, their rule of refusing out-door relief, was strictly enforced—in another it was not enforced at all. He understood that this want of uniformity was peculiarly visible in the unions of so small a county as that of Sussex. In one of the unions of that county, out-door relief was not allowed to be given, whilst in another, not fifteen miles from it, that restriction was entirely superseded. This created exactly the same jealousy among the labouring classes, which the noble Lord asserted would result from the House agreeing to this clause. He was of opinion, that this clause, instead of going too far, did not go far enough. Though he would not relieve out of doors, the man who had married since 1834, he was not therefore to be precluded from relieving out of doors, the man who had married before that time. With respect to the clause of which he had himself given notice, considering that it had been strongly recommended by the committee which had sat last year, and which had not been constituted in a manner very favourable to his views, he hoped that it would be supported by the House, and that no objection would be made to allowing widows under certain circumstances, to be relieved out of doors, on very liberal principles. He could assure the noble Lord, that an enormous majority of the boards of guardians throughout the kingdom, were most anxious to see the provisions of the New Poor-law, considerably relaxed.

Lord *Eliot* said, that though he could not concur in the sweeping reprobation which his noble Friend had just cast upon the Poor-law Commissioners, he could have wished, that they had left in the boards of guardians, under the New Poor-law, a greater discretionary power, than that which they now allowed them to exercise. He could not give his support to the clause now proposed, as it would lead to great discontent in every parish, by

dividing its labouring population into two distinct classes. He had no objection, however, to the clause which would allow the guardians to apply out-door relief to widows.

Sir *R. Price* expressed himself hostile to the clause, as the power of administering out-door relief under the old law, had been the main cause of the poor being defrauded so long, of the proper amount of wages to which they were entitled. The present law, he considered calculated to accomplish great good, if it were impartially carried into effect. But if hon. Members persevered in first breaking down one of its principles by a side wind, and in then assailing another in the same manner, all the efficiency of it would be lost, and they might as well get rid of it altogether. He hoped the case of widows would be favourably considered, and that the whole subject would engage the attention of the House early next Session.

Mr. *Wakley* regretted to hear it proposed to delay for another year, giving that relief to the necessitous poor, which they so much required. Was that the boasted humanity of the gentlemen of England? He was astonished that a reformed Parliament could be found to listen to such a proposal with patience. That course was one that had a tendency to degrade the House, and to strip it of all the respect which it ought to receive from the people of the country. Would the gentry of England, because the Poor-law Amendment Act was a measure that relieved their estates in some degree from burdens to which they were liable, put their feet upon the necks of the poor, and say to them, "Our position is comfortable enough, we care not for your miseries?" He did trust that the House would take the subject into consideration now. He had often heard of the great principle of the Poor-law Amendment Act, but had never heard any one define what it was. Would the noble Lord, the Secretary of State, say that its principle was the denial of relief to the able-bodied man in all cases whatever? If that were not the principle, what else could be its principle but the starvation of the poor? He hoped that hon. Members would this night give direct votes upon the motion of the hon. Member for Sussex, and that there would be no weaving of votes. On a former night, the noble Lord, the Secretary of State for the Home Department, had agreed to

accept the clause of the hon. Member for Sussex, in an amended shape; yet afterwards, when it was objected to, and a division was taken upon it, he was among the most eager to vote against it in that improved form. He thought the poor of this country had a right to relief without being compelled to go into a gaol; for he looked upon the union workhouses as gaols. If the noble Lord, the Secretary for the Home Department, intended to grant any relaxation of the law next year, he was taking a very mistaken course in opposing that which was now proposed. The noble Lord must not expect that the country would endure the continuance of the law in its present state, and especially of the commission. The people were not averse to the reform of the numerous abuses that clung to the old system of administering relief, but they were competent to manage their own affairs without the aid of commissioners, and they demanded to have that privilege. With regard to the present clause, nothing he thought could be so preposterous as drawing a distinction between parties married before a particular day, and those who were married after it. He was satisfied that the law respecting widows, as it at present stood, could not be strictly administered. Indeed, enough had passed in the committee, of which he had been a member, to show that cruelty was not exercised towards them. But he contended that destitution should be the sole and universal test; whenever they departed from that they would fall into grievous errors. The power of administering relief might, with perfect safety, be intrusted to the guardians, who were on the spot, and knew how far each applicant deserved relief, and whether destitution had or had not been brought on by the improvidence of the party. He should be glad to know if the noble Lord intended to grant any relaxation in the article of out-door relief? If so, it was but right that the country should know of it.

Viscount *Howick* said, the House must now be prepared to declare whether they were to revert to the old practice of giving relief in aid of wages. If they were to revert to that fatal and mischievous principle, he would rather see the House do so boldly and at once, than do it by successive steps, deluding the public as to their real intentions. If they had recourse to the mistaken principle of giving relief wherever they saw distress, they

would find that it would be attended with effects the most injurious to the interests of the labouring classes. The hon. Member for Finsbury had talked of the greed of the aristocracy, as if they were anxious to make gain of the sufferings of the poor. Why, they all knew, that it was not their own money that the guardians had to give away in administering relief, so much as the money of that class, which was only enabled by laborious and virtuous struggles to keep its head above those who were obliged to accept of relief. The poor-rates pressed with far more severity upon them, than upon persons possessed of great property. But he would ask any Gentleman who was acquainted with the condition of the country, particularly the southern part of it, previous to the year 1834, whether he did not know, that the real ground on which the bill was proposed, was less the pecuniary benefit it would confer on the rate-payers, than the advantage of those for whose sake the rates were levied. Tyranny, oppression, and cruelty to the poorer classes, and certain demoralization, were the inevitable consequences of the vicious system formerly in operation. These were the considerations, and not pecuniary saving, which induced him to think it incumbent on that House to adhere to the great principle of the Act for amending the Poor-laws. The principle of that Act was to give relief in all cases of real destitution, but to confine relief to such cases. That being then, the great principle of the bill, it was necessary to find some means by which they might prevent that principle from being invaded, because any departure from it would lead directly to giving relief to those who might little deserve it. He need only appeal to the elaborate reports of the Poor-law Commissioners for the proof, that it was perfectly impossible in practice to apply the principle of the hon. Member for Finsbury without its leading directly to abuse. It might be, that a man in health and strength might at times want some relief in addition to his wages, but in practice it was found quite impossible to investigate and see how far each claimant's real wants extended. If the labourer was made to see, that he should be aided out of the poor-rates, whenever wages fell, he was deprived of the great incitement to exertion—namely, the honest love of independence. In short, he was convinced, that the inevitable tendency of the system

was to break down the distinction between those who really had claims upon the public benevolence, and those whose misfortunes, being owing to improvidence and want of frugality, had no claims of that kind. He should, therefore, give his decided opposition to the clause. One word on the subject of widows. He wished to recal to the recollection of the House, that the hon. Member for Finsbury, who was so inveterate an enemy to the Poor-law, and the rancour of whose hostility was such as occasionally, as appeared to him, to deprive the hon. Member of his usual good sense, had still, with all his rancour admitted that in the whole of the long inquiry of two Sessions, which had been carried on by the Committee of the House, there had not been brought forward any proof of harsh treatment of widows, either on the part of the unions or of the Commissioners. If that was the case, where was the necessity for changing the law? If the mode of treatment was such that no fault could be found with it, why alter the system? The recommendations of the committee of last year had been referred to. What did the committee recommend? Why, that the principle which Gentlemen opposite so much condemned, should continue to be applied. He would only add, that he earnestly hoped the House would not permit what had been so well termed the fine end of the wedge to be driven in on this occasion.

Mr. *Estcourt* said, that the noble Lord had not alluded to some parts of the Act, from which it appeared, that the clause was not so much opposed to the principles of the Poor-law Act, as to subject the hon. Member who moved it, to the charge of attempting to overthrow the principle of the Act by means of a side wind. For instance, the bastardy clause was made to have reference only to those children who were born since the passing of the Act. His hon. Friend had followed the exact principle of this part of the Act, and proposed the same relaxation of the law, in the cases he particularized as the Government, and the other supporters of the Act, had introduced in the bastardy clause with respect to those who had illegitimate children since the passing of the Act. He did not think, therefore, that his hon. Friend was liable to the imputation which had been thrown out against him. The clause he thought essentially necessary, and he should, therefore, sup-

port the motion of his hon. Friend. He was rather inclined to think, that in some cases, the guardians were carrying the practice of giving out-door relief to a greater extent than was intended by this clause, and thought it was infinitely better to have this extension effected by Act of the Legislature, than to have it done by indirect means, as at present.

Mr. T. Attwood professed his disbelief of the real existence of the evils which it was the fashion to attribute to the Act of the 43rd of Elizabeth, nor did he believe, that under the old law, the relief administered was in any place permanently excessive. He believed, that the cases of over relief, were to those of under relief, in the proportion of one to 100. With respect to the present state of the labouring population, he believed, that the Poor-law had nothing to do with anything, that there might be, that appeared favourable in their position. When it was stated, that the new law had contributed to raise the condition of the labouring poor, it ought to be remembered, that during the whole of the five years in which the Poor-law had been in operation, no fewer than 400,000 of the poor had found employment on the railways. Instead of benefitting, the Poor-law was calculated, in his opinion, to coerce and grind the poor; and it was also his opinion, that had it not been for the accidental circumstance of the great demand for labour, which had arisen from the formation of so many railroads, the wages of labour in England, would have been, by this, thrown down, under the operation of the Poor-law, to the Irish level. This he had prophesied five years ago. The noble Lord (Howick) seemed very hostile to mingling relief with wages; he (Mr. Attwood) was not hostile to that at all. When a labourer's wages were too small, he believed, that the labourer had a perfectly constitutional right to ask of the public, that his wages should be raised. That a labourer should do this, was, in his opinion, perfectly just, perfectly right, and perfectly politic too. This, he thought, was the greatest and most valuable of an Englishman's rights; the right of living fairly and honestly by his own labour. He thought, too, that no sort of property was so sacred as property in labour. He never would cease to protest against any attempt, in this House or the other, to grind down the poor below the

level of a full, fair, and plentiful subsistence.

Mr. Bramston, believing that the Act was calculated to enable the labourer to hold up his head before his employer, and ask a fair price for his labour, was determined to support the present system. He thought, too, that it would be impossible to support the proposition contained in this clause without going into the whole subject; and, above all, he could not see upon what principle they were to distinguish between persons who were married in 1834, and those who were married in 1835. He should, therefore, vote against the motion.

The House divided on the question, that the clause be brought up—Ayes 42; Noes 77 :—Majority 35.

List of the AYES.

Aglionby, H. A.	Hodgson, F.
Attwood, T.	Hodgson, R.
Blackburne, I.	Hope, hon. C.
Boldero, H. G.	Kemble, H.
Broadley, H.	Lowther, J. H.
Broadwood, H.	Lygon, hon. Gen.
Brotherton, J.	Norreys, Lord
Brownrigg, S.	Palmer, G.
Bruges, W. H. L.	Parker, R. T.
Burrell, Sir C.	Pechell, Captain
Chute, W. L. W.	Powell, Colonel
Cochrane, Sir T. J.	Præd, W. T.
Douglas, Sir C. E.	Round, J.
Duke, Sir J.	Rushbrooke, Colonel
Duncombe, T.	Somerset, Lord G.
Estcourt, T.	Vere, Sir C. B.
Fielden, J.	Vigors, N. A.
Forester, hon. G.	Wakley, T.
Grimsditch, T.	Williams, W.
Hamilton, C. J. B.	
Hector, C. J.	
Hindley, C.	
Hodges, T. L.	

TELLERS.

Burroughes, H. N.
Darby, G.

List of the NOES.

Acland, Sir T. D.	Cowper, hon. W. F.
Adam, Admiral	Craig, W. G.
Bannerman, A.	Dalmeny, Lord
Baring, F. T.	Divett, E.
Barnard, E. G.	Donkin, Sir R. S.
Barry, G. S.	Eliot, Lord
Blake, W. J.	Ewart, W.
Bowes, J.	Fitzpatrick, J. W.
Bramston, T. W.	French, F.
Bridgeman, H.	Gordon, R.
Briscoe, J. I.	Grey, right hn. Sir C.
Bryan, G.	Grey, right hn. Sir G.
Buller, C.	Grosvenor, Lord R.
Callaghan, W.	Grote, G.
Campbell, Sir J.	Hawes, B.
Cavendish hon. C.	Hill, Lord A. M. C.
Chichester, J. P. B.	Hobhouse, right hon.
Clay, W.	Sir J.

Hoskins, K.	Sheil, R. L.
Howard, P. H.	Smith, G. R.
Howick, Viscount	Smith, R. V.
Hutt, W.	Somerville, Sir W. M.
Hutton, R.	Stanley, hon. W. O.
Lushington, rt. hn. S.	Steuart, R.
Macaulay, T. B.	Thomson, rt. hn. C. P.
Maule, hon. F.	Thornely, T.
Mildmay, P. St. John	Troubridge, Sir E. T.
Morpeth, Viscount	Verney, Sir H.
Muskett, G. A.	Villiers, hon. C. P.
Norreys, Sir D. J.	Warburton, H.
Paget, F.	Wilbraham, G.
Pigot, D. R.	Wood, C.
Price, Sir R.	Wood, G. W.
Pryme, G.	Worsley, Lord
Redington, T. N.	Wrightson, W. B.
Rice, right hon. T. S.	Wyse, T.
Rich, H.	Yates, J. A.
Rolfe, Sir R. M.	
Russell, Lord J.	TELLERS.
Rutherford, rt. hn. A.	Stanley, E. J.
Seymour, Lord	Parker, J.

Lord G. Somerset moved the following clause :—

“ And be it further enacted, that in the case of any widow, who shall be unable to maintain her child or children, being the issue of her marriage, it shall be lawful for the guardians of the union or parish to which such widow is chargeable, if they shall think fit, to give relief in kind to such widow out of the workhouse, or to give relief to such widow by admitting one or more of such children into the workhouse of such union or parish, without requiring such widow to receive relief in such workhouse.”

He thought it his duty to persevere in his motion, and hoped the House would support his proposition.

Lord J. Russell said, the Poor-law Commissioners made an exception between the case of a widow in the first six months of her widowhood. He submitted that the clause was not required, and he should therefore oppose it.

Mr. Hindley was much surprised at the opposition of the noble Lord to the clause; it was not in keeping with what he had given the House to understand on this point.

The House divided :—Ayes 43 ; Noes 64 : Majority 21.

List of the AYES.

Aglionby, H. A.	Brownrigg, S.
Attwood, T.	Bruges, W. H. L.
Blackburne, I.	Burroughes, H. N.
Boldero, H. G.	Chute, W. L. W.
Bramston, T. W.	Cochrane, Sir T. J.
Broadley, H.	Douglas, Sir C. E.
Broadwood, H.	Duke, Sir J.
Brotherton, J.	Duncombe, T.

Eliot, Lord	Lygon, hon. Gen.
Estcourt, T.	Palmer, G.
Fielden, J.	Parker, R. T.
Forester, hon. G.	Pechell, Captain
Grimsditch, T.	Powell, Colonel
Hamilton, C. J. B.	Praed, W. T.
Hector, C. J.	Round, J.
Henniker, Lord	Rushbrooke, Colonel
Hindley, C.	Vere, Sir C. B.
Hodges, T. L.	Vigors, N. A.
Hodgson, F.	Wakley, T.
Hodgson, R.	Williams, W.
Hope, hn. C.	TELLERS.
Kemble, H.	Somerset, Lord G.
Lowther, J. H.	Darby, G.

List of the NOES.

Adam, Admiral	Morpeth, Lord
Anson, hon. Col.	Muskett, G. A.
Baring, F. T.	Norreys, Sir D. J.
Barnard, E. G.	Paget, F.
Barry, G. S.	Parker, J.
Bernal, R.	Price, Sir R.
Bowes, J.	Pryme, G.
Bridgeman, H.	Redington, T. N.
Briscoe, J. I.	Rich, H.
Bryan, G.	Rolfe, Sir R. M.
Buller, C.	Russell, Lord J.
Callaghan, D.	Rutherford, rt. hn. A.
Campbell, Sir J.	Seymour, Lord
Cavendish, hon. C.	Sheil, R. L.
Cowper, hon. W. F.	Smith, G. R.
Craig, W. G.	Smith, R. V.
Dalmeny, Lord	Somerville, Sir W. M.
Divett, E.	Stanley, hon. W. O.
Donkin, Sir R. S.	Steuart, R.
Ewart, W.	Thomson, rt. hn. C. P.
Fitzpatrick, J. W.	Thornely, T.
Gordon, R.	Troubridge, Sir E. T.
Grey, rt. hon. Sir G.	Verney, Sir H.
Grey, rt. hon. Sir C.	Villiers, hon. C. P.
Grote, G.	Warburton, H.
Hawes, B.	Wood, C.
Hill, Lord A. M. C.	Worsley, Lord
Hobhouse, r. h. Sir J.	Wrightson, W. B.
Howard, P. H.	Wyse, T.
Howick, Viscount	Yates, J. A.
Hutt, W.	
Hutton, R.	TELLERS.
Lushington, rt. hon. S.	Maule, F.
Macaulay, T. B.	Stanley, E. J.

Mr. T. Duncombe rose pursuant to notice to propose a resolution that no female paupers above the age of sixty-five years should be put to hard labour. He had been informed, that in Holborn (we understood) workhouse, there were forty female paupers kept at hard work, one of the age of eighty, several of the age of seventy-five, and the majority about sixty-five, and these poor women worked eleven hours a-day picking wool. The allowance was 4d. a-day, and they had nothing but water to drink from six in the morning to six at night—in short,

they were much worse off than the felons in the gaols. He concluded with moving a clause to the following effect :—

“Whereas it is expedient to relax the working days of aged paupers, so as to distress them as little as possible; be it therefore enacted, that no guardians or other persons having the management of workhouses in England and Wales shall have power or authority to set to work or labour any female paupers whose age shall exceed sixty-five years.

Lord *G. Somerset* said, the allegations on which this proposition was founded were denied. He did not think it right that they should legislate on a statement until it was found to be correct.

Mr. *T. Attwood* thought the clause ought to be passed, whether it were contradicted or not.

Motion negatived without a division.

Bill to be read a third time.

BASTARDY BILL.] Lord *J. Russell* moved the order of the day for the bringing up of the report on the Bastardy Bill.

Lord *G. Somerset* wished to call the attention of the noble Lord to one or two facts in respect to which the Poor-law Bill might be much improved. His first proposition related to women pregnant with bastard children, and likely to become chargeable to the parish. There ought to be some power in the guardians to look after the putative father before her delivery, and to insure his appearance by recognizances, instead of waiting till the parish was actually chargeable. He believed his right hon. Friend the Member for Pembroke had suggested to the noble Lord, the other night, some clause that would carry this intention into effect; he was therefore fortified by that authority. The other point was that of appeals. If the putative father was brought before the petty sessions, great inconvenience might be suffered if there was no appeal. He had no objection to the most stringent recognizance; but he wished that there should be some relief afforded to persons aggrieved by the decision of the petty sessions. Persons holding respectable situations in life—dissenting ministers, for example—sometimes had the misfortune of having this charge cast upon them, and the justices, without the assistance of learned counsel, might determine the question in a manner which would most seriously affect the character of the party.

He should not press these two points by making them the subject of motion; but he wished the noble Lord would consider them.

Sir *C. Grey* said, the absence of the right of appeal was a departure from the original principle of the Poor-law. In cases so peculiar, the want of an appeal added materially to the hardships suffered to be laid upon the male labouring population by this Act. There had been many cases of females fixing the charge on innocent persons.

Lord *J. Russell* said, that, with regard to the first proposition of the noble Lord, it did not seem to him advisable to adopt it, although it had been fortified by the high authority of the right hon. Baronet the Member for Pembroke. The fault attributed to the old Poor-law was, that it gave too great a facility to women to obtain a relief in such cases, and operated as an encouragement to them to continue in vice. He thought the suggestion of the noble Lord would restore some of the old abuses, which it was the object of Parliament to correct. In preparing an amendment of this clause of the Poor-law Amendment Act, he had some difficulty with regard to the second proposition of the noble Lord. No doubt there were some cases in which false charges operated with great injury against the persons so charged. At the same time they should endeavour to avoid making the law worse instead of better, by giving two trials, one before the petty sessions and another before the quarter sessions. Moreover, the proof under the new law, was not precisely similar to that under the old law, when the oath of the woman was sufficient; whereas, under the new law, corroborative evidence was required to satisfy the magistrates at the petty sessions. Still there was a difficulty, and not feeling confident as to the operation of the law, he was disposed, in deference to the opinions of several Members, to adopt the opinion that it was better, on the whole, to allow an appeal to the quarter sessions, and he should not object to the introduction of a clause, on the third reading of the bill, giving that appeal. But at the same time, not satisfied that this appeal might not be made vexatious, and expensive, and a source of scandal, if such should be the consequence, he should hold himself at liberty to take away the appeal, or substitute some other measure for it.

Mr. *Pryme* rejoiced to hear that the noble Lord intended to agree to this suggestion. He was aware of the indelicacy of these investigations before the Quarter-sessions; but such cases demanded more inquiry than could be given to them before the Petty-sessions.—Report agreed to.

DISTRICT CONSTABLES.] The House in Committee on the County and District Constables' Bill.

On clause 5 being proposed, which vests the appointment and disposition of the petty constables in the chief constable of each district, "subject to such orders as he may receive from the justices in quarter or special session assembled, and to the rules established for the government of the force."

Sir *H. Verney* proposed the omission of the words "subject to such orders as he may receive from the justices in quarter or special session assembled," in order to substitute the following—"subject to the approval of two justices."

Mr. *Hume* thought it advisable, as far as possible, to restrict the responsibility for the conduct of the force to the chief constable; it would, therefore, be advisable to omit all reference to the justices.

The committee divided on the question that the words proposed to be left out, stand:—Ayes 56; Noes 23:—Majority 33.

The remaining clauses of the bill agreed to.

Mr. *Ewart* moved the addition of a clause to limit the operation of the bill to 1st of August, 1841. He was opposed to the principle of the bill, for he wished the police to be under the control of a responsible body. The bill ought not to be permanent, because neither the House nor the country had had proper opportunity to consider the provisions of it.

Clause brought up and read a first time.

On the motion that it be read a second time,

Mr. *Warburton* said, the county rates would be doubled by this measure, and it ought not, therefore, to pass without Parliament reserving the right to revise and re-consider it, with a view to give the counties at large the right of electing boards for the appointment and superintendence of this force. If it were once passed permanently, it would be difficult at any future time to alter the measure, and make the taxing body responsible.

Lord *J. Russell* had stated the other evening, the reasons which led him to think that it would not be satisfactory to make the bill temporary. One reason was, that under a temporary measure, it would not be possible to get the best persons to apply for situations, if they were told that the occupation might cease at the end of two years. He did not deny the proposition that taxation and representation ought to go together; but if they had said of the metropolitan police, when it was first established, that taxation and representation must go together, and that it should only last two years, the force would have been extinguished before the end of the time by its own unpopularity. He did not expect, at first, any great degree of popularity for this measure, but ultimately it would be felt, he was convinced, that it was quite consistent with the liberty of the subject that pickpockets and rioters should be taken up. If the bill were made temporary, every candidate, at every fresh election, would say that he would take every opportunity, if returned, to put an end to the *gens d'armes*, to the Bourbon police, or whatever else they might be called.

Mr. *T. Attwood* said, this bill went to establish a tyranny, and did it in a weak way. If the noble Lord had said plainly, it is intended to establish an infernal French system of *gens d'armes*, he could have understood him. He denied that there was any call for any of these extraordinary usurpations. There had been no petitions. He was convinced that the object of the bill was not, to preserve the peace, but to establish a tyranny, and the noble Lord knew it. He should support the motion of the hon. Member for Wigan.

Mr. *D'Israeli* should support the limitation of the bill to the year 1841. It was an incontestable fact, that for the last twenty years there had been a gradual diminution of crime in this country. Yet it was attempted to revolutionize the police under these circumstances. The decrease of enormous crimes had been particularly great within the last fourteen years. This was in favour of the old system of constabulary. In fact, there was as little crime in the rural districts of England as in any country in the world. In the rural districts, the two great classes of offences were poaching and wood cutting; but it was very seldom that a pheasant

sant disappeared, or a tree was cut, that the offender was not brought to justice. There was no evidence that the rural districts wanted a police. Almost all the facts which they had in evidence on the subject related to the manufacturing districts, but the state of those districts, and the proper means of securing order there, and repressing crime in its origin, ought to be considered separately. This measure would not be available in the manufacturing districts, in the rural it was not wanted. The noble Lord had called it a purely permissive measure. He did not know where the noble Lord got that soft epithet; it was not English. He supposed it emanated from the same source as was used by a leading Government print, when they spoke of the *emeule* at Birmingham, and when they got their normal schools, the Gallomanian jargon would be complete.

Lord *Worsley* said, there was great increase of crime in his county (Lincolnshire); but the very great disinclination to prosecute made the amount of crime not known. During the last three or four years highway robberies had been committed in his county. If the bill were only to be permitted to operate for two years, there would be a general disinclination on the part of the majority of the magistrates to bring it into force.

The House divided—Ayes 21; Noes 77:—Majority 56.

List of the AYES.

Aglionby, H. A.	Pechell, Captain
Attwood, T.	Pryme, G.
Brotherton, J.	Redington, T. N.
Duncombe, T.	Scholefield J.
Finch, F.	Thornely, T.
Hawes, B.	Vigors, N. A.
Hector, C. J.	Villiers, hon. C. P.
Hobhouse, T. B.	Warburton, H.
Hodges, T. L.	Williams, W.
Howard, P. H.	TELLERS.
Hume, J.	Ewart, W.
Oswald, J.	D'Israeli, B.

List of the NOES.

Acland, Sir T. D.	Cavendish, hon. C.
Adam, Admiral	Chichester, J. P. B.
Barry, G. S.	Clay, W.
Blackburne, I.	Craig, W. G.
Bramston, T. W.	Dalmeny, Lord
Broadley, H.	Darby, G.
Broadwood, H.	Divett, E.
Bruges, W. H. L.	Ellis, J.
Burroughes, H. N.	Ellis, W.
Campbell, Sir J.	Filmer, Sir E.
Cave, R. O.	Fitzpatrick, J. W.

Gordon, R.	Philips, M.
Gordon, hon. Capt.	Pigot, D. R.
Grey, rt. hon. Sir C.	Præd, W. T.
Grey, rt. hon. Sir G.	Rice, rt. hon. T. S.
Hamilton, C. J. B.	Rich, H.
Harcourt, G. G.	Rolfe, Sir R. M.
Hill, Lord A. M. C.	Rose, rt. hon. Sir G.
Hobhouse, rt. hon. Sir J.	Rushbrooke, Colonel
Hodgson, R.	Russell, Lord J.
Hope, hon. C.	Rutherford, rt. hon. A.
Howick, Lord Vis.	Smith, R. V.
Hutt, W.	Stanley, hon. E. J.
Hutton, R.	Stanley, hon. W. O.
Inglis, Sir R. H.	Steuart, R.
Labouchere, rt. hon. H.	Stock, Dr.
Lascelles, hon. W. S.	Surrey, Earl of
Lushington, rt. hon. S.	Thomson, rt. hon. C. P.
Macaulay, T. B.	Troubridge, Sir E. T.
Mackinnon, W. A.	Verney, Sir H.
Maule, hon. F.	Wilbraham, G.
Mildmay, P. St. John	Wood, C.
Morpeth, Lord Vis.	Wood, G. W.
Muskett, G. A.	Wood, Colonel T.
Norreys, Sir D. J.	Worsley, Lord
Paget, F.	Wrightson, W. B.
Palmerston, Lord Vis.	Yates, J. A.
Parker J.	TELLERS.
Parker, R. T.	Baring, F. T.
Parnell, rt. hon. Sir H.	Seymour, Lord

House resumed; report to be received.

COLLECTION OF POOR-RATES.] On the order of the day for bringing up the report on the Poor-rates Collection Bill,

Mr. *Hawes* objected to giving the Boards of Guardians by this bill greater power than was formerly possessed by the overseers. He hoped, also, that the noble Lord would give the opportunity of appeal to the quarter sessions.

Lord *J. Russell* said, he had met the first proposition of the hon. Member by amendments made in committee; and to the hon. Member's second proposal he had a decided objection.

Mr. *T. Duncombe* moved that a proviso should be added to the bill to exempt from its operation, parishes which were subject to any local acts for the relief of the poor.

Lord *J. Russell* said, the bill was certainly not intended to apply to such parishes, but he thought the proviso unnecessary, and he feared that it would, as worded by the hon. Member, extend too far.

The House divided:—Ayes 14; Noes 59;—Majority 45.

List of the AYES.

Attwood, T.	D'Israeli, B.
Boldero, H. G.	Ewart, W.
Darby, G.	Hall, Sir B.

Hawes B.	Williams, W.
Hector, C. J.	Wood, Colonel T.
Hume, J.	
Parker, R. T.	TELLERS.
Pechell, Captain	Grimsditch, T.
Vigers, N. A.	Duncombe, T.

List of the NOES.

Acland, Sir T. D.	Mildmay, P. St. John
Adam, Admiral	Morpeth, Viscount
Aglionby, H. A.	Muskett, G. A.
Bernal, R.	Paget, F.
Blackburne, I.	Palmer, C. F.
Broadley, H.	Palmerston, Viscount
Broadwood, H.	Parker, J.
Brotherton, J.	Parnell, rt. hon. Sir H.
Bruges, W. H. L.	Pryme, G.
Campbell, Sir J.	Redington, T. N.
Craig, W. G.	Rice, rt. hon. T. S.
Dalmeny, Lord	Rich, H.
Ellis, W.	Rolfe, Sir R. M.
Filmer, Sir E.	Rushbrooke, Colonel
Finch, F.	Russell, Lord J.
Gordon, R.	Rutherford, rt. hon. A.
Gordon, hon. Captain	Scofield, J.
Grey, rt. hon. Sir J.	Seymour, Lord
Hobhouse, rt. hon. Sir J.	Stanley, hon. W. O.
Hobhouse, T. B.	Steuart, R.
Hodges, T. L.	Stock, Dr.
Hodgson, R.	Thomson, rt. hon. C. P.
Hope, hon. C.	Verney, Sir H.
Howard, P. H.	Warburton, H.
Howick, Viscount	Wood, C.
Hutt, W.	Wood, G. W.
Hutton, R.	Worsley, Lord
Inglis, Sir R. H.	Wrightson, W. B.
Labouchere, rt. hon. H.	TELLERS.
Lushington, rt. hon. S.	Baring, F. T.
Maule, hon. F.	Stanley, E. J.

Report agreed to.

SLAVE-TRADE—PORTUGAL.] Viscount *Palmerston* : I rise in pursuance of notice which I gave, to move for leave to bring in a bill for the better suppression of the Slave-trade. The House are aware, I presume, of the grounds and circumstances which render it necessary for me to make this motion. We know, by the committee appointed to search the Lords' Journals, that the bill which was passed for the purpose of suppressing the Slave-trade by this House, and which was sent up to the House of Lords, has not passed that House. Undoubtedly, in the first instance, that fact would have led this House to imagine, that there was a difference of opinion between the two Houses of Parliament upon the great, interesting, and important subject to which the bill so sent up related. If that difference of opinion had really existed, it would have been a subject of much regret and deep concern in this House, and might have materially if not entirely defeated the efforts which this House of Par-

liament, in concurrence heretofore with the other House, has made to put an end to this abominable crime. But I am happy to be able to state, that the proceedings which have taken place in the House of Lords since the rejection of that bill, tend satisfactorily to show, that the rejection did not arise from any difference between the two Houses as to the great object in view, and that it must have been founded either upon some misconception of the grounds upon which that particular bill was proposed, or some objections in point of form connected with it; because the House of Lords have, since they rejected the bill, sent up an address to the Crown, couched in the strongest possible terms, calling upon the Crown to give to the cruisers, such orders as may effectually enable them to put down and prevent the traffic in slaves. Now, that address proves, that the House of Lords are sincerely desirous of co-operating with this House in the attainment of that great object, and that address, I think, by calling upon the Crown to take measures which undoubtedly the Crown will not hesitate one moment in taking, goes strongly to prove, that it was but a formal objection, which made the House of Lords indisposed to pass the particular measure which we proposed. As far as we can judge, by those means of information we possess, of the grounds upon which that bill was considered objectionable, those grounds were two:—first, an objection was taken to the course of proceeding; next, an objection was taken to the particular nature of the bill. It was contended, in the first place, that the proceeding ought to have originated in consequence of a communication of the Crown to Parliament. That objection will now be removed, because, in answer to the address of the House of Lords there will be a communication from the Crown, intimating the intention of the Crown to take those measures which the House of Lords has requested might be taken. The proceedings, therefore, will from that moment be placed upon the footing which the House of Lords thought it ought to stand upon. The other objection taken was, that in the preamble of the bill, Parliament was called upon to pronounce an opinion, as it were, upon the difference which has arisen between Great Britain and Portugal; and it was understood to have been alleged that it belonged to the Crown, acting on the responsibility of its advisers, to pronounce an opinion upon that difference, and that Parliament

ought not to have been brought in, as it were, to espouse the opinion of the Crown, and make itself responsible for a measure which exclusively devolved upon her Majesty's Ministers. I propose to get rid of that objection, by entirely altering the preamble of the bill I now ask leave to introduce. I propose, that the preamble of the bill shall be (if I may say so) entirely Parliamentary, merely reciting the expediency of giving certain powers to the Crown and to certain courts of law, without entering into any question pending between the Crown of England and Portugal. I should confidently hope, that these two circumstances would remove the objections which the other House of Parliament entertained against the former bill. As it will then stand, we may be entitled to hope that if we pass a bill which shall contain those powers which are absolutely necessary to give effect to those measures which the House of Lords has requested the Crown to take, that that House will not refuse to give it their sanction, seeing that by those powers alone the end we all desire can be accomplished. I should perhaps, especially at this late hour, content myself with this statement, but I feel it necessary, for my own vindication, and in some degree for the vindication of the House of Parliament, whose organ only I have been on this occasion, to explain the course of proceeding which was adopted in the preparation of the former bill. It was objected to that bill, that it is unusual to call upon Parliament to act without any previous communication from the Crown, but those who urged that objection seemed to have forgot, that the bill itself arose out of Parliamentary proceedings, for it was in the course of last year, by addresses to the Crown from both Houses of Parliament, that the attention of the Crown was called to the fact, that Portugal had violated her engagements and treaties with this country, and had refused to assent to an adequate treaty for the suppression of the Slave-trade. The meaning of those addresses was, that the Crown should endeavour to obtain from Portugal such an adequate treaty. In the discussion upon the address from this House I stated, on the part of the Government, that we would endeavour to prevail on Portugal to sign such a treaty; and if we failed, we should come to Parliament and declare, that we had so failed, and in that case call upon Parliament to give us the necessary powers, in order to accomplish the purposes which Parliament itself wished to

have accomplished. In reply to that declaration of mine I was told by hon. Gentlemen on the other side of the House, that if we did come to Parliament with that statement, our request would be granted, and that Parliament would give us the necessary powers. In the early part of this Session, I stated, in answer to an inquiry that was made of me, that we had failed in obtaining from Portugal a treaty, which alone would have been sufficient for our purposes. I was then asked if I intended to come to Parliament. I replied that it was our intention to do so, and that I had a bill in preparation, but that I wished to postpone it until I could lay before Parliament the papers that would show the course of the negociation between this country and Portugal, and explain how and why we had failed, and wherefore it was that we were obliged to ask for further powers. I am sure therefore that it is from misconception and inadvertence merely that the objection as to our mode of proceeding has been urged. However the objection was urged, and it was stated that we were doing that which was tantamount to making war; while if we had declared war against Portugal we should have been obliged to lay before Parliament the projet and contre projet, the notes and the answers. The parties who made that objection were not aware (and it was no wonder, considering the multitude of papers that are before Parliament) that I had laid all those papers on the Tables of both Houses in the fullest detail before I brought in the bill—the introduction of which, in the opinion of some, perhaps, I too long delayed—in order that it might be proceeded with after a full statement to the House of the transactions between the two countries. With regard to the bill itself, if there was any departure from form, or from the usual course of Parliamentary proceedings, I did not altogether inadvertently adopt that departure, because, before I brought in the bill I felt it my duty to consult several persons, some connected with myself in politics, others unconnected with me in general politics, but all equally interested in attaining the great object in view, as to the bill I intended to bring in before I actually produced it to the House; and if we all of us preferred that form of the preamble to which objection has been made elsewhere, it may have been an error of judgment on our part, but at all events we did not adopt it inadvertently or from a wish unnecessarily to depart from the usual course. After deliberation we thought it

the better mode of proceeding under the extraordinary circumstances of the case, that the bill which gave these powers should record the circumstances that lead to the necessity of creating them. At the same time, if these objections can be removed, I am sure this House will feel happy to make any change in order to obtain the much desired unanimity on this subject. Objections have been made to my not having introduced the bill with a statement of the grounds on which it was founded. It was perhaps unfortunate that no debate arose upon the bill. If there had been, it might have prevented the misconception that had arisen elsewhere. But the cause of there being no debate, was the perfect unanimity which prevailed in this House on the subject. There was an equal understanding by all parties of the grounds upon which the measure was introduced. All were equally anxious that there should be no unnecessary delay, and we preferred passing the bill *sub silentio*, that it should that not be postponed. We thought, too, that equal unanimity would prevail elsewhere upon the subject, and I am convinced that our expectation will prove ultimately right, notwithstanding the circumstance which has rendered the introduction of a second bill necessary. There having been no debate, however, it might be necessary to state briefly the grounds upon which Parliament is called upon to adopt the present measure. The first ground is that Portugal is bound by different treaties with this country to abolish her Slave-trade; not only to co-operate with us in that abolition, but to use all the means in her own power to accomplish that purpose. These stipulations were not made gratuitously on the part of Portugal. We made pecuniary sacrifices. We gave her money which, by her own admission, amounted to nearly half a million. Beyond that we paid to Portuguese owners for the loss of their slave ships upwards of 300,000*l.* as compensation money. Thus besides the 300,000*l.*, a sum between 450,000*l.* and 460,000*l.* was paid to Portugal as a nation as the price for abolishing the Slave-trade. The treaties of 1815 and 1817 contained engagements most stringent and complete upon this subject. Now, Sir, has Portugal fulfilled these engagements? No. She has violated them in a greater degree, I will venture to say, than any country in the history of the civilized world could be found ever to have violated the solemn obligations of treaties. I will venture to say that there

is no instance in history of such a flagrant breach as that committed by Portugal towards this country with regard to the Slave-trade. For, instead of suppressing the Slave-trade and abolishing it, she encourages it. She not only connives at it by her officers; but the authorities actually lend themselves to it, encourage it, thrive by it, make fortunes by it, enrich themselves by it, form parties of influence which control and overrule the Government at Lisbon. It is owing to the very fortunes made by the Slave-trade, that an influence of a political character has been acquired at Lisbon which now overrules and sways the Government of that country. By this slave-trading faction the government of Portugal has been prevented from acceding to the treaties which we have proposed. I say, so far from abolishing the Slave-trade, she has substituted her slave-trading flag in the place of all the slave-trading flags in the world. In proportion as we have been enabled to exclude from that trade the flag of Holland, the flag of France, and the flag of Spain, we find the flag of Portugal extending its protection to the trade which was formerly carried on under the flags of those different Powers. Not only has she not fulfilled her engagements with us—not only has she retained her trade where it was when those engagements were contracted, but she has actually increased it; and there is now not a slave-trader that crosses the ocean that does not carry his protection of that traffic under the prostituted flag of Portugal. I can only say, to take a single instance, that I believe not less than 100,000 Africans, from one side of the Atlantic to the other, are annually carried from a state of liberty to a state of slavery into the Brazils and Cuba under the flag of Portugal. This is therefore a case of engagements contracted here, and of engagements violated. No efforts on our part have been wanting to procure by persuasion from Portugal what Portugal ought to have granted unasked. We have for more than four years endeavoured to persuade government after government in Portugal to conclude a treaty, which shall by her consent, enable us to accomplish the purposes which she had bound herself by her own means to effect, but we have endeavoured in vain. The several governments of Portugal, by pretexts the most frivolous, upon objections the most unfounded, upon allegations totally destitute of truth, have rejected the proposals which we have made, and by every contrivance

have spun out the negociation for the mere purpose of avoiding the termination of the question. At one time we say, "Make slave-trade piracy." "No," say they, "we cannot do that, because it would be repugnant to our custom and feelings to put a slave-trader to death." We say, "We don't ask you to make it a capital offence, but to subject it to a severe secondary punishment." Still they refuse. We then say, "Call it a piratical offence." "No," that is an offensive term." We propose to extend the right of search by treaty. They require to make the treaty limited in point of time, for the obvious purpose, that when the treaty should have expired, they might re-establish the Slave-trade in all its vigour. We propose to continue the mixed commission. "No," say they, "why continue the mixed commission with us, when you have discontinued it with France?" But France is no longer engaged in the Slave-trade. We ask them to agree to a regulation by which captured negroes should be placed under the superintendence of the mixed commission, in order that they should not, under the pretence of being made free, be converted into slaves. Portugal has refused. She says, that it would be contrary to her honour, and contrary to the principles of her laws, which declare, that there shall be no foreign interference. It must at once be obvious, that any negroes taken in a slave-ship under a Portuguese flag, if handed over to the Portuguese authorities, would, although nominally emancipated, be in fact and reality slaves. As soon as they have agreed to one proposition, and as soon as by some modification we have got rid of one objection, they have started another. In short, there is, on the part of Portugal, an obstinate and rigid determination not to make any treaty with us to give any facility whatever to the great purpose we have in view. Then I say it is necessary that we should do it by our own means. We have told Portugal over and over again, as well by the addresses of the two Houses of Parliament, as by our appeals to Portugal to grant us a treaty, that if they did not of their own accord consent to fulfil their engagements, this country would be obliged to take the matter into its own hands. Therefore we do not, as is supposed by some, come by surprise upon the Portuguese government. It has been thought, that if we had an opportunity of giving them more notice, they would have yielded to our request. Notice they have had in abundance. It would be mere mockery to give

them more. They knew long ago what we are going to do, and they determined rather than consent to what they were bound to give us, to let us take it by our own means; and I do not know, that it would be disagreeable to them for us to do it. Although one must acknowledge that the conduct of the Portuguese government has in this respect disintitiled them to the esteem of all mankind, yet I do not think so ill of them as to believe, that it has arisen from any real disinclination to put an end to this traffic. I believe, that they have been controlled by a domestic power stronger than themselves, and that the nation at large does not participate in this traffic, and I really think, that in doing this thing it will not be unbeneficial or unacceptable to some of those persons that may have appeared to be obstinate in resisting our proposals. For in truth Portugal has no interest in this trade. She has no colonies that require slaves for the purposes of cultivation. She is an exporting and not an importing country. In truth, a great part of the ships that sail under Portuguese colours, and profess to be Portuguese, are the property of Spaniards, and of rapacious pirates of all nations, in whose success or failure Portugal as a nation has no more interest than we ourselves. I say, therefore, we are not doing that by Portugal which Portugal has any right to resent. But the powers we ask for by this bill are necessary to enable us to execute the object we have in view, and it is on that ground, mainly, that I trust the other House will concur in the adoption of this bill. The noble Lord then proceeded to state the nature of the clauses in the bill, and observed, no doubt, as had been suggested, the Crown, by its prerogative, and on the responsibility of its advisers, might take measures which would effectually put down Portuguese slavery; but there would be two inconveniences for which it would be necessary to provide a remedy. In the first place, the officers who had to act under the orders of the Crown, would be exposed to vexatious and harrassing proceedings in the courts of law in this city; and he was sure neither House of Parliament would wish the Crown to employ the officers of the navy in such circumstances as must involve them in consequences most inconvenient to them. In the next place, it was true we might capture the ships and deal with them accordingly, but he contended it would not be fitting that this country should seize ships *primâ facie* the property of the subjects of

other States, and deal with them without having proved before some court of record, the grounds of such proceedings. It was necessary, then, to have an act to define what should constitute a slave-trader. It was not necessary that slaves should be aboard; a ship being equipped in a particular manner was an infallible proof that she was engaged in the Slave-trade. It was necessary to have an act of the Legislature before the Courts of Admiralty could condemn a ship upon that ground. It was also necessary to enable the Crown to give the same bounties to those who captured these slave-ships under this treaty as under treaties with other Powers. This was the extent of the powers called for under the bill. He was convinced they would be sufficient to enable the Government to put down the traffic in slaves carried on under the Portuguese flag, and a great point would then be accomplished. The trade, it would be said, might still be carried on under other flags; when driven from one flag the slave-trader might seek refuge in another. After having united all the flags of Christendom in an attempt to put down this horrid traffic, the slavers might repudiate all flags, and divest themselves of every document which might enable the captor to prove that they belonged to any particular nation. That would be the last refuge of despairing crime. He would propose a clause by which a ship taken under those circumstances should be dealt with as if she were an English slave-trader, provided always, that if in the course of trial it should appear, that she did belong to some State, then the case should not be adjudicated upon by the Court of Admiralty, but dealt with as if at the outset she had been of the nation to which she was ultimately proved to belong. It might be said, that this was waging war against the world. He did not see how any nation could complain of such a course. If the protection of a nation was cast to the winds he did not see what ground there was of complaining that we had not respected a nationality the existence of which was studiously kept beyond our knowledge. Well, then, what prospect was there of arriving at that general union in putting down the Slave-trade, the hope of which he had held out to the House? When all the Powers of Europe had united in giving a mutual right of search, or the power of condemnation by a mixed commission, there would no longer remain any defence for carrying

on the Slave-trade under any European flag. He had on a former occasion stated, that he had concluded treaties with Chili, Grenada, and Venezuela, and he had the satisfaction of stating, that he had since received intelligence that a treaty was concluded with Buenos Ayres. Although he had not concluded a treaty of execution with Mexico, she had stipulated by treaty to co-operate with us in the suppression of the Slave-trade. And though the United States might perhaps still feel some little jealousy as to the right of search (which in their understanding implied something very different from our impression), he still relied, from the advances it had already made, on the hearty and cordial co-operation of that government in putting down this abominable traffic. Well, then, if these Powers sincerely co-operated in this undertaking, they would have the satisfaction of feeling that they put an end to misery which no imagination could conceive, and to an enormity of human crime, the magnitude of which no tongue could adequately describe. He was persuaded the House of Lords would not refuse to co-operate with them in this work. He was satisfied the House of Lords were as sincere as the House of Commons were in detestation of this abominable traffic. They must know that this was the best recompense they could make for the long and grievous sufferings which England had in great part neglected under this system. He trusted the bill which they should send up unanimously would receive the assent of the Upper House. He was satisfied if they took this step it would be a great means towards the accomplishment of the end which all had in view. And if, said the noble Lord, England should have the glory of succeeding in her efforts and exertions to put a complete end to this amount of human misery and crime, I think that alone would be sufficient to hand down her memory in undying brightness to the lapse of endless ages.

Dr. Lushington said, the vast sacrifices which this country had incurred since 1815, amounting at least to 1,000,000*l.* sterling, in consequence of her treaties with Portugal, besides 2,000,000*l.* in bounty for the maintenance of an adequate force, demanded the assistance of Portugal; but Portugal, nevertheless, had gone on up to this moment in violating all her treaties. He was not exceeding the truth when he stated, that since that treaty, 2,000 Portuguese ships had been engaged in that

abominable traffic, and had carried not less than 1,000,000 slaves away from Africa. That being the case, there must have died between the time of their seizure and their adjudication not less than 120,000 out of that number. Instead of that treaty having been carried into effect in any one point, the traffic in slaves had gone on increasing with a rapidity even far beyond that which had been mentioned by his noble Friend. He held in his hand the *Shipping Gazette* of Rio Janeiro, of the date of the 31st of May 1839. It appeared that there were on that day 69 vessels, bearing the Portuguese flag, lying off Rio Janeiro, and he had a certificate, under the hand of the British consul, that of that number 59 were slavers. When he looked at our treaties with Portugal, and at the very first obligation contained in the treaty of 1810, he found that every syllable of those treaties had been violated from the beginning to the end. By the treaty of 1817, the Portuguese engaged to abandon altogether the Slave-trade to the north of the equator, and also in every part of Africa that did not belong to themselves, and, in fact, to confine the trade to the supplying of their own transatlantic possessions, and when they had no such possessions for the last ten years. Never, he would say, had there been exhibited to the civilized world so gross an infraction of the most solemn obligations to which a country could bind itself. But there was more than this. The treaty was not a voluntary offer on the part of Portugal; it did not arise from a conviction of the inhumanity of the traffic; but it was a treaty for which Great Britain had paid an equivalent. Portugal had not only robbed this country, but it had insulted us by a pretended abolition. In December 1836, the Portuguese government agreed to abolish the trade, but did they give this country any power to carry that abolition into effect? Did they themselves do any act in furtherance of the agreement thus entered into? Why, had not their own governor of Mozambique taken upon himself to suspend the execution of the treaty entered into by his employers, and had not the government of Portugal approved of that suspension? These were facts, and could not be contradicted. Much more might be said on this subject, but he would confine himself to a very few words upon the remedy that was proposed. There had been, he regretted to say, an entire misapprehension

of the former bill that had passed this House on the part of the House of Lords. He had no hesitation in saying, that that bill did in no respect whatever contravene the accustomed course of legislation. If that bill had been introduced for the purpose merely of doing by Act of Parliament what the Crown was already entitled to do by its prerogative, he would never have supported it. Undoubtedly it was perfectly competent to the Crown to declare war, or to issue letters of marque; but one of the wisest principles of government was not to go to war for an object which was attainable by peaceable means. That wise course was pursued by the Government, and the bill now introduced for the purpose, not of usurping the place of the prerogative, but for the purpose of aiding that prerogative, was in fact a subsidiary measure to give due effect to the prerogative of the Crown. The noble Lord had fully explained the intentions of his measure. He declared, that if men engaged in this trade, they should not be entitled by the law of nations to the protection of the law of nations; and that if they sailed under piratical colours, they should be treated as other persons who assumed to themselves the character of pirates. Such an enactment was absolutely necessary in this trade; for to such an extent had the temptation of profit gone in this nefarious trade, that pirate vessels were now fitted out to cruise for the smaller slave-vessels. When such vessels were captured by them, the master and crew were consigned to a watery grave, and the cargo—the fruit of a second-robbery—was carried off without remorse to the Brazils. To say that persons engaged in such iniquitous practices, should be protected by the law of nations was an insult to the law of every nation. He did hope, and trust, and believe, that this bill would become law. He was perfectly confident, and he spoke unfeignedly, that the former bill miscarried from misapprehension, and when the speech of his noble Friend became known, and his explanations were made public, he verily believed, that among those who opposed the former bill, this bill would meet with some of its ablest and warmest advocates.

Sir R. H. Inglis rose upon this occasion, lest the whole responsibility, or, he should rather say, the whole glory of this measure, should be left to those statesmen to whom he had long been politically opposed. He hoped that the predictions of his right

hon. and learned Friend would be realized, and that their misapprehensions being removed, the House of Lords would join in supporting the bill which the noble Lord had asked leave to bring in. The speech of the noble Lord was not less deserving of eulogy for its conciliatory tone towards the other House of Parliament, and even towards Portugal herself, than for its forcible and eloquent explanation of the great rights of justice and humanity. A speech more worthy of the subject he had not heard from any of the greatest orators that had graced that House during his recollection. He, also, like his right hon. and learned Friend opposite, had received from Rio Janeiro the *Shipping Gazette*, to which he had made allusion. And to the statement quoted by him from that document, he could add this further piece of information, that 35 of those vessels, from their papers, appeared to have come from the coast of Africa. Was any man weak enough to suppose, that it was a legitimate traffic that had carried such a large number of Portuguese vessels from the coast of Africa to Rio Janeiro? There was another piece of information recently communicated to him, apparent, indeed, on the face of papers now before Parliament, which showed the character as well as the extent of the Brazilian traffic in slaves,—that was, the formation of a company, with a settlement on the coast of Africa, for a supply of slaves, regularly registered and chartered. A more systematic violation of treaties, a more deliberate infraction of the rights of justice, humanity, and religion, could not be found, than that which was apparent in all the proceedings of Portugal on this point towards this country. Hoping, as he did, that much advantage would accrue from this bill, he was still anxious that the House should not suppose that it would be sufficient to remove from the civilized world the stain of Slave-trade. If one nation deemed itself at liberty to form establishments on the coast of Africa to carry on the Slave-trade, means must be taken by this country to cut off in Africa the source of the evil; legitimate commerce must be carried into the centre of the vast regions recently made known to us; and to prevent slavery from being carried from Africa across the Atlantic, a larger force, and a force, too, of steamers, must be employed upon the coasts. We must not content ourselves with trusting to the mere parchment on which this

bill might be written, but we must, as he had stated before, be prepared, if necessary, for war. War, however, he was convinced would not ensue. *Bellum ostendite, pacem habebitis*. He would not enter into any political consideration on this occasion, but he hoped that he might be permitted to say this, that, in the existing circumstances of Portugal, he noble Lord and his colleagues opposite had a peculiar right to claim from her the performance of all that by treaty she has stipulated to grant. He concluded by stating, that he cordially concurred in the views which the noble Lord had explained with so much impressive eloquence, and he was only sorry that others besides themselves had not been present to listen to his inspiring accents.

Captain *Pechell* supported this measure. Lord Brougham had done him the honour to send him in the last Session of Parliament a pamphlet, in which his Lordship was pleased to assert, that rather than take measures to abolish the Slave-trade, we had quailed before the might of Portugal, and had not dared to encounter the empire of Brazil. How, then, did it happen that the noble Lord was not present in his place to advocate the defence of humanity, when her Majesty's Ministers were preparing to show both Portugal and Brazil that they would be trifled with no longer? The noble Lord on that occasion had spoken of tongues cleaving to the roof of the mouth. To what fatality was it owing that his tongue, once so voluble, then so immovable, had cleaved to the roof of his mouth in mute inglorious silence, and had forgotten all its usual stratagems and tricks of fence?

Sir *T. D. Acland* approved of the principle of this bill, and hoped that the House would not object to dispense with its usual forms in reference to it. He congratulated the noble Lord on not allowing both himself and the friends of emancipation generally to be disappointed by the fate of his former bill.

Leave given; Bill brought in, and read a first time.

HOUSE OF LORDS,

Friday, August 9, 1839.

MINUTES.] Bills. Read a first time:—Poor-law Commission Continuance.—Read a second time:—Dublin Police; Metropolitan Police Courts; Judge's Lodgings.—Read a third time:—Soldiers' Pensions; Postage Duties; Public Works (Ireland).

Petitions presented. By Lord Hatherton, from Dumbarton, and other places, by the Duke of Richmond, from Hereford, and other places, for a Reduction of the rate

of Postage.—By Lord Brougham, from John Taylor, complaining of being Unjustly Apprehended by the Birmingham Police.—By the Duke of Richmond, from a body of Postmasters, for the Repeal of the Post-horse Duty.

DIVINE SERVICE.] The Archbishop of Canterbury having presented a petition for the better observance of the Sabbath, from Cheltenham,

Lord *Ellenborough* said, he should take this opportunity of alluding to a provision in the law in reference to churches. He alluded to that enactment which subjected a person to a penalty for having divine service performed in his house before more than twenty persons. He was quite certain there were many persons who would have divine service performed in their houses if it were not from fear of that provision. He had himself incurred the risk of the penalty for four years, but did not choose to run it any longer. This was not all; a person was not at liberty to build a church, and put a clergyman into it, unless he endowed that church as a place of divine worship for ever. This he regarded as a great hardship. If the right rev. Prelate would alter that law, he would set about building a church to-morrow, which he would maintain as long as he lived, but would not pledge himself to provide for it beyond his own life; but if that law were not altered, he never would build one.

The Archbishop of *Canterbury* said, the proposition of the noble Lord was one that required a great deal of consideration; but any proposition that might come regularly from the noble Lord on the subject should have his best attention. There might be great inconveniences attending such an alteration of the law. One would be, that there would be a great number of conventicles established throughout the country, and many of the richer persons would not go to parish churches, which, in example, would have an injurious effect. Endowments for churches were required to ensure their perpetual use as churches. If the law were to be altered in this respect, pious-minded and liberal persons like the noble Lord opposite, might build and maintain churches during their life-time, which afterwards might become deserted, and be converted into storehouses for goods, or other purposes wholly unconnected with religion. That which at first was thought to be a very easy change, was often found

to be, when set about, attended with insurmountable difficulties.

Lord *Ellenborough* observed, that the right rev. Prelate might easily conceive that he felt a good deal of difficulty on this subject, as he was extremely desirous of the change, and yet he did not happen to differ from the Church of England in one single point.

Lord *Roden* hoped the right rev. Prelate would take this subject into his most serious consideration. It was a most severe and improper state of the law, that persons, for having more than twenty persons in their houses, for the purpose of divine worship, should be subject to the penalty of 50*l.*, when they might have persons in any number in their houses, to act plays, or to amuse themselves in any other way whatever. If there was such an alteration made in the law as would allow persons to assemble in private houses for religious purposes, instead of injuring churches, he believed it would be greatly to their advantage, because, if persons were to be made religious at their houses, they would be sure to go to Church.

Lord *Hatherton* anxiously added his entreaty to his noble Friend's opposite, that the right rev. Prelate would take this matter into his grave consideration. He himself had experienced much difficulty from the present state of the law, and if that state were altered, he would himself immediately build three chapels in neighbourhoods with which he was connected, where there were very extensive populations, and where those populations suffered greatly from not having chapels.

The Archbishop of *Canterbury* observed, that two very different things were now brought under consideration; one was that of being at liberty to build chapels, and to open them without endowing them, and the other was that of gentlemen, or other persons, being at liberty to open their own houses for the performance of divine service therein. He did not at the moment feel himself at liberty to express any opinion upon subjects that involved so many important considerations. As to a gentleman being at liberty to open his house for divine service, it would be liable to this abuse—that if he quarrelled with the clergyman of the parish he would immediately open a conventicle, and if he were a man of influence, he could draw a great many of the parishioners away from the parish church to his conventicle, and which

latter would be open just so long as that gentleman's difference continued with the clergyman. He only begged to be excused from giving any opinion at present on either subject, and more particularly from being considered to give a favourable opinion to gentlemen being at liberty to open their houses for divine worship; but he, and he was sure the rest of the rev. Bench, would be quite ready to treat any question of this kind that might be brought forward, and considered for the benefit of the Church, according to its merits.

Lord *Ellenborough* said, that his house was two miles from the parish church; the road between the two was almost impassable in the winter time, and of the seventy or eighty persons in his house, he believed that hardly one of them went to the parish church in that season of the year.

Lord *Hatherton* said, many parish churches were deserted from the incapacity of the clergyman; and many persons had become Dissenters from that same cause.

The Archbishop of *Canterbury* thought, that that might be a ground for the noble Lord applying to the Society for employing additional curates.

Subject dropped.

HOUSE OF COMMONS,

Friday, August 9, 1839.

MINUTES. Bills. Read a second time:—Bolton Police; Courts in Counties; Patents for Inventions; Sheriffs' Exemption; Real Estates Liability; Prisoners Trial.—Read a third time:—Bastardy; Soap Duties Regulation; Stage Carriages.

Petition presented. By Sir William Somerville, from Drogheda, against the Bank of Ireland Bill.

CONTINUANCE OF THE POOR-LAW COMMISSION.] The Poor-Law Commission Continuance Bill having been read a third time,

Mr. *Freshfield* moved a proviso, which he wished to be added to the bill, to prevent the Commissioners from framing any new regulations so as to limit out-door relief to able-bodied labourers or their families. The proviso, which he wished embodied at the end of the bill, was no doubt an experiment, but it was one which he thought would operate beneficially for all parties; and as the bill was only to endure for a limited time, the House would have an opportunity of seeing, in the meantime, how that experiment would answer, so as to enable them to legislate properly on the subject when the whole question of the Poor-Law Amend-

ment Act came to be discussed. The great difficulty affecting the administration of the Poor-law, under the old system, was owing to the numerous misconstructions and misrepresentations to which that system was exposed; and the difference between the former state of things and the present was, that instead of the old parish officers, they had now efficient boards of guardians, men of experience to regulate the administration of the funds, in the proper appropriation of which they themselves had extensive local interests. He thought they ought to leave as much discretionary power as possible in the hands of the boards of guardians, and prevent the unnecessary interference of the Commissioners. Although the new law was in general operation throughout the agricultural districts, there were several extensive manufacturing districts into which it had not yet been introduced; and he knew no plan which would so much facilitate the introduction of the measure into those districts, and tend so much to remove existing prejudices against its adoption, as giving full discretionary powers to the guardians. It was for that purpose that he felt it his duty to urge the trial of the experiment he proposed on the attention of the House. He did not intend there should be any restriction in the description of relief, whether it was to be given in money or in kind. He was certain it would only be given by the guardians in cases of extreme necessity, and the nature of the relief might be safely entrusted to their discretion. The principle would be most acceptable to the country at large, and particularly to the commercial districts. He disclaimed all hostility to the new Poor-law, and would not, on any account, return to the old system, but thought the House ought to ameliorate the provisions of the new law in several respects, and therefore acquiesce in the motion which he had introduced. The hon. Member concluded by moving a clause to the effect, "Provided always, that it shall not be lawful for the said Commissioners, by any rules or regulations not already made, to prohibit or limit the administration of relief to able-bodied labourers or their families out of the workhouse of any parish or union."

Lord *John Russell* said, the principle involved in the motion of the hon. Member had been decided several times, and he could not consent to adopt it.

Motion negatived; Bill passed,

MUNICIPAL CORPORATIONS (IRELAND)—LORDS' AMENDMENTS.] Lord *John Russell* moved the order of the day for the consideration of the Lords' amendments on this bill. He did so, that the consideration of them might be again postponed till Monday; but he would take that opportunity to say, that with respect to that part of the question which related to the privileges of the House, after the very great pains taken by the Chair to investigate the subject, after the opinion which had been given from the Chair, and having since heard the opinions of many Members fully cognizant of the subject, he was of opinion that it would not be expedient for the House to make any concession on the point of privilege. He was at the same time aware, that there would be a considerable disadvantage in raising that point, unless it were absolutely necessary. With regard to the merits of the bill, there were a number of amendments introduced by the House of Lords, which he had not time to consider, and which, as the predecessor of the right hon. Gentleman had observed, it would be most convenient to adopt or reject at once. With these limitations, and seeing very great difficulty in coming to any agreement with the House of Lords on the subject this Session, and it being at the same time, he must say, the anxious wish of the Government to pass some legislative measure on this subject,—from what he also heard from those most anxious on this question in Ireland, and considering also the nature of their differences, he thought that a bill might be framed so as to meet the views of both Houses. He did not think it would have been proper to allow the present opportunity to pass without indicating the views which he entertained, and the wishes of the Government on this subject.

Mr. *Shaw* agreed with the noble Lord as to the inexpediency of returning the bill on the question of privilege to the House of Lords, and saying they did so on that ground. With respect to the other parts of the noble Lord's observations, he was not certain if he were correct in his opinion, but he thought he gathered from them, that the noble Lord was not very urgent in his objections to the amendments of the House of Lords. These amendments were of three kinds: those relating to the franchise, to the freemen, and the third, which involved the point of

privilege, namely, the clauses which the House of Lords had struck out, transferring certain fiscal powers from the grand juries to the new town councils to be created under the bill. Now, the noble Lord had not said anything on the subject of the franchise, but he thought, from what the noble Lord had said, that he did not mean to insist on refusing the amendments of the House of Lords. As regarded the freemen, the House of Lords had left them in the same state as proposed in the bill of last year. And then as to the third question, that of transferring the powers of taxation to the new municipal bodies, he must observe, that it was a question involving great changes in the law of the country. It was, besides, entirely a new question, and one which had been introduced irregularly into the bill when it was in committee. Those clauses were not in the bill at all, as introduced, even this year; but the alteration was made in committee, where thirteen new clauses had been introduced, entirely altering the state of the law on the subject. Except on these points, he was not aware of any other difference; and as on that side of the House they had already conceded so much, it was quite impossible for them to concede more. He thought the preferable plan would be for the noble Lord to waive the question of privilege, and introduce a new bill on the subject.

Sir *R. H. Inglis* entertaining the greatest objection to this measure—viewing it as one of unmixed evil—and as invading the rights of the Established Church, regretted, that instead of postponing the consideration of the bill till Monday, the noble Lord had not moved its postponement for three weeks. He did not, indeed, understand, that the noble Lord intended to bring in a new bill this Session, but in the next. He viewed this measure as one of unmixed evil, and, therefore, regretted, that any further progress with it was in contemplation.

Mr. *O'Connell* could not agree with the hon. Baronet in his description of this measure, that it was one of unmixed evil but must protest against any idea going abroad, that Ireland was not entitled to the same measure of corporate reform, as had already been given to England. The people of Ireland did not ask for more, and they never would be satisfied with less. The corporations of Ireland never assumed a clerical character, except in

the estimation of the hon. Baronet the Member for the university of Oxford, who viewed them, he believed at present, as models of piety and promoters of Christianity. The learned recorder for the city of Dublin, had twice pressed this bill on her Majesty's Government. He did not think that circumstance would add to its popularity among the people of Ireland, or tend to make them satisfied with it. Why should there be a 5*l*. franchise in England, and 10*l*. in Ireland? Why one set of freemen's franchises in England, and another set in Ireland? He rose, however, merely to protest in point of principle, that Ireland never would be satisfied while they were deprived of the same franchises which England has.

Consideration of the Lords' amendments postponed.

MANCHESTER POLICE.] Lord *John Russell* moved the Order of the Day for the second reading of the Manchester Police Bill.

Mr. *C. Buller* understood this to be a bill to abolish popular control in the different new boroughs, owing to a dispute that had been raised relative to the validity of their charters. It was unfortunate, that they had no legal opinion for their guidance—that they had received none of any authority, at least, except of that eminent law officer of the Crown, the President of the Board of Trade, who seemed disposed to oust the learned Attorney-general from his office. Seeing the learned Attorney-general now in his place, however, he wished to ask him this question. In what state were the charters that had been granted to Birmingham and Manchester? Was the House to understand, that the validity of the whole charters granted to those towns, was disputed by the questions which had been raised? Was it disputed, that legal corporations existed in those boroughs? Were the appointments of magistrates questioned? or did the question merely extend to the simple point, of the power of the town-councils to levy rates? He understood at first, that the powers of the town-council were entirely disputed. If the question only extended to the power of levying rates, he thought the Government ought at once to fall back on the original bill, and not interfere needlessly with the franchises of the inhabitants.

But if it were contended, that the charters were altogether bad, then he could understand the reason which induced the Government to introduce this bill.

The *Attorney-General* was very imperfectly acquainted with respect to what was admitted, or what disputed by the parties who raised the question relative to those charters. But so far as he understood the subject, he had no hesitation in stating, as his own individual opinion, that the charters were *in omnibus* perfectly valid. He should have thought, that his learned Friend as a lawyer, instead of putting those questions, would have rather studied the Act of Parliament, and satisfied his own mind upon the point. However, as his learned Friend had thought fit to put those questions, it was of course his duty to answer them. Then he should say, that under the 141st section of the Municipal Reform Act, a power was expressly given to the Crown to create new corporations, with all the powers which belonged to and had been exercised by the old corporations. Under that clause, charters had been granted to Devonport, Manchester, Birmingham, and Bolton. The charter granted to Devonport, had not been questioned in any degree. Those granted to Manchester and Birmingham were disputed on the grounds, that they did not in all respects comply with the Act of Parliament. He could only say, that those charters had been prepared with the greatest care; they had not only been examined by himself, but by others of greater experience, who had devoted the greatest time and attention to the subject, and that they had been framed with the most anxious purpose to meet every doubt that could be raised against them. A legal doubt had, however, been raised with respect to the powers under the charter to levy a borough-rate. He understood the great question was, not whether the charters were entirely void or not, but whether the town-councils could levy a lawful borough-rate. At the same time, he was not prepared to say how far the parties might ultimately carry the question, and as to whether they might not say the charters were utterly void, he would not pledge himself. His own opinion was, that the charters were valid, and that they did convey the powers to levy a lawful rate, according to the Act of Parliament. In the meantime, the

overseers refused to pay a single shilling of the rate, either in Birmingham or Manchester. It was therefore utterly impossible for the corporations of those towns to maintain a police force. As regarded the powers of the magistrates, it was plain, that the question could not touch their position, as they held their powers apart from the charter, and were appointed by the Queen.

Sir *R. H. Inglis* observed, that the learned Attorney-general had expressed himself with equal confidence on the question of privilege, and yet the Court of Queen's Bench had come to a very different conclusion; and on this point all he could say was, that two learned Gentlemen had given an opinion adverse to that now given by the hon. and learned Gentleman.

Mr. *Bolling* was instructed to deny the allegations that they had no police force at Bolton adequate to meet any exigency which might arise. The commissioners of police had now an efficient force of special constables. They were levying a rate, and no refusal had been made to the payment. He would oppose the bill as tending to prejudice the questions at issue regarding the validity of the charters.

Mr. *T. Duncombe* wished to put a question in point of form, which he apprehended might interfere with the progress of this bill. He wished to know why this bill was not treated as a private bill? It was merely a local Act. In the case of Birmingham there was a grant of public money. But this was a local Act to all intents and purposes, and should be treated as such, as had been done in the case of Liverpool and the city of London. He hoped the Speaker would favour the House with his opinion on that point.

The *Speaker* said, that if this bill had been applied for by the inhabitants of Manchester, and if they were to have had the appointment of the constables, then it must have been treated as a private bill. But in this case the constables were to be appointed by the Crown. It was to be compulsory on the inhabitants, and therefore it was not a private bill.

Lord *J. Russell* had no wish whatever in moving this bill, to prejudice in one way or another, the questions at issue relative to the validity of the charters. With regard to the town of Bolton being sufficiently secured by special constables, he was ready to admit they would come

forward and perform their duty on any specific emergency. But to preserve the peace of a town of that size and population, a permanent police force would be required to perform that duty day by day, and night by night, which it would be perfectly intolerable for those constables to undergo.

Mr. *Grimsditch* said, the people of Manchester had an efficient police force under the control of the commissioners of police. [Mr. *Brotherton*: No, No!] The hon. Member for Salford says "no!" He certainly understood from respectable authority, that such was the case. He should not, however, oppose the second reading, but reserve his objections till the bill went into committee.

Mr. *G. Wood* said, it was his intention to support the second reading of the bill, in the belief that it would in no way prejudice those legal questions which had been raised in the Courts of law, between the advocates and the opponents of the charter. The state of those questions had been so amply explained by the learned Attorney-general, that it would ill become him to advert more to it. But as to the necessity of Parliament making some provision for the police force in Manchester, he thought no one fully acquainted with the condition of the town could entertain any doubt. Some hon. Members had stated, that there was now a police in the town, with ample pecuniary means for its support. He entirely dissented from the accuracy of that statement. There was the old body of commissioners, in number 240, who before the charter was granted, had provided the police of the town by day and night, the expenses being defrayed by a rate they were empowered by Parliament to levy for that purpose. When the charter had been granted, and a council appointed, they concurred, that they were entitled to levy the rate and provide for the police force, and that the powers of the old commissioners were superseded under the Municipal Reform Act. Thus the two parties were directly at issue, each claiming the exclusive right of levying the police rate. But the inhabitants, not knowing which of the two rates would be legal, had resolved with that shrewdness which upon monetary matters especially distinguished them—to pay neither till the question had been determined. When the council issued their precept to the

proper parties to pay over the requisite sum for the maintenance of the force, the legal process was forcibly resisted. The churchwarden against whom there had been directed the distress warrant, had succeeded in ejecting the officers from possession, a violent mob assembled, and the peace of the town was for a considerable time endangered. Unless the House made provision for this anomalous state of things, the police of Manchester would soon be put an end to. The bill seemed to him to be very wisely framed for the desired object, avoiding all irrelevant and contested questions.

Mr. *Williams* thought what had fallen from the hon. Member for Kendal would satisfy the House that there really was no necessity for this bill. The town of Manchester had hitherto been well governed by its own police, under a commission consisting of 240 gentlemen of all parties. And he had not heard that the police were inefficiently managed or inadequate in number. If there was any dispute between the Commissioners and the corporation, the best course to pursue, would be to give the Commissioners the management of the police, until the litigated question should be decided. This bill would in effect place the town of Manchester under Metropolitan Police Law; there were provisions in the bill never known before in the town; there were powers given to the police which had never yet been endured. He never could consent to such an arbitrary stretch of power; he trusted that the noble Lord would still desist from the measure; if not, if any Member divided against the bill, he would vote with him.

Mr. *C. Buller*: The House must feel grateful to the right hon. Gentleman in the Chair for the opinion which he had given, as they now understood that this bill was not asked for by the great towns to be affected by its provisions, and that it was to be compulsorily imposed, contrary to the wishes of the inhabitants. He was gratified also to have obtained the opinion of the learned Attorney-general, which would do away with a great deal of misrepresentation which existed on the subject, and it was the more important, as that opinion was at variance with the sentiments of the right hon. Gentleman, the President of the Board of Trade. He did not know if these counteracting opinions were to be viewed as a continuance of the feud of yesterday, but he was disposed to pay

every weight to the opinion of the Attorney-general, knowing the great value of that opinion on any subject to which that learned Gentleman applied the energies of his clear and accurate mind. In this case, the opinion of the Attorney-general had completely upset the law of the President of the Board of Trade, and told them, that the town-council of Manchester was a very good town-council. He thought the noble Lord ought not, however, under these circumstances, to take advantage of the bungling which that House had committed in framing one of its Acts of Parliament, by introducing this measure, whose object was to establish a police force under the control of the Government, and on that shameful system of centralization, destructive of all the ancient privileges of English liberty, which gave to the local authorities of the country the exclusive management of their own funds. He felt the greatest objection to this measure of centralization, which was imbued with all the evils of the same system now in full operation in France. He had shewn, by his conduct, that he was not disposed to carry his opposition to the measures of the noble Lord to any improper extent. He had supported the noble Lord in his District Counties Constable Bill. That bill rested on a different basis from the present. It gave to the local authorities the power of appointing the local constables, and was free from the hideous feature of centralization which disgraced the present measure, and which proposed to take away those rights from the town-councils appointed by the people, and who were discharging their functions to the entire satisfaction of the inhabitants.

Lord *J. Russell* said, the hon. and learned Gentleman who has just addressed the House has taken great pains to misrepresent the principle of this bill on grounds which do not apply to it, and on an assumption of facts which never existed. The hon. and learned Gentleman has alleged, that I have taken advantage of the state of these towns to introduce a centralized system of police analogous to that which is now in operation in France. I do not see on what grounds I can be charged with seeking any advantage by the introduction of a measure which, in so far as I am concerned, can only be attended with a great deal of trouble; and I beg to tell the hon. and learned Gentle-

man, that this bill does not, as he supposes, go to establish any centralized system of police, but simply and exclusively a local police. The grounds on which I have introduced the measure are the peculiar state in which those towns are placed with respect to the public peace, and the means of raising money to establish and maintain a police force necessary for the comfort and safety of the inhabitants. Sir, if there be a deficiency of police and of the means of preserving the peace of those towns, and if that fact is made known to me, I conceive it is my duty to attend to that fact, and to adopt the requisite measures to preserve the inhabitants from any consequences that might ensue from such a state of things. What is the case here? The town-councils claim the right, under their charters, to levy certain rates. The street-commissioners and police-commissioners also claim the right to levy certain rates; and while these disputes exist, is it taking any advantage of these towns to prevent the misfortunes which might ensue by leaving Birmingham, and Manchester, and Bolton to be disturbed any night in the week? When I proposed that the police should be under the control of the town-councils in these towns, I was told that it was giving a preference to one of the contending parties, while the question regarding the charters was still pending. Am I then taking any advantage in appointing a commissioner to establish that police locally, an independent person, entirely unconnected with either party, and who will not give the advantage to one party or the other? I am told by one hon. Member that the control should be given to the town-council in Birmingham; another tells me that in Manchester it should be given to the commissioners of police, the one advice being exactly the reverse of the other. But another hon. Member again says, the police should be placed under the old body of the town. Now the town-council of Birmingham is of one party, and the police-commissioners of Manchester belong to another party. I will not be guided by those conflicting sentiments. I will not be swayed by either. I will take that course which is independent of both, apart from both, and will neutralize them all. I cannot understand how it happens, that the learned Gentleman should have so far misconstrued the principles and the nature of this bill. I have explained them

formerly. There must be some reason why the learned Gentleman would not attend to my explanations, otherwise, at least, I cannot imagine how he could have represented this bill as being founded on a principle of centralization similar to that which is established in France.

Mr. Aglionby had seen no proof that the bill was called for by the state of these towns, or by the wishes of the inhabitants. At the same time, he would readily acquit the noble Lord of any wish to take advantage of the situation of those towns. On the contrary, he understood that all parties in Manchester agreed that they were much indebted to the noble Lord for having brought this measure forward, so that their claims might be fairly discussed. He believed, that the noble Lord introduced this measure because he had come to the conclusion, that it was the best mode for preserving the public peace. Still he could not come to the same view of the subject. He asked, if there were any petitions in favour of this bill? [An hon. Member: There are none against it.] It was said, that there were no petitions against it. That might be, but then it must be remembered, that the bill had only been printed two days ago. He understood there was a deputation in town, however, from Manchester, who had come on purpose to oppose it. ["No, no!"] He could only say, that he was in favour of the charter, and would support its powers by every means he possessed. But he viewed the present as a separate matter altogether. He understood, that the commissioners of police in Manchester had ample powers to maintain a police force—that such a police force is still kept up by them—that they possessed full power to levy rates, and that they had funds to keep up the force for four months to come.

Mr. Brotherton, under ordinary circumstances, should never have given his assent to the bill before the House, but seeing the pressing necessity of the case, he could not think of sacrificing the best interests of a very large portion of the community to any party feeling whatever. There were a quarter of a million of inhabitants in the borough of Manchester, and the state of agitation and excitement in which a great portion of that number were, should have much weight with all persons who respected life and property. He would, individually, have much pre-

ferred to place the police in the hands of the borough corporation, but, that being now impossible, he felt bound to adopt the lesser evil, which was the bill as it then stood. The charter, which had superseded the power of the Court Leet, would have been sufficient for all the purposes of the borough, but for the efforts of interested parties. The chief opponent of the charter was the steward of the Lord of the Manor, who was also clerk to the street commissioners; and it was mainly through his influence that the legality of the charter was called in question. On obtaining their charter, the corporation of Manchester, like men of business, at once set about establishing a good police; and they had advanced upwards of 20,000*l.* towards effecting that purpose out of their own pocket. That money they had advanced on the faith of the validity of the charter, and it would be very hard upon them now if it were advanced for nothing. As matters stood at present, ninety-five of the street commissioners out of the two hundred, the number usually acting, had declared the charter invalid, and in consequence of that declaration, the inhabitants of the borough had generally refused to pay the police-rate. The corporation were thus disabled from paying the police any longer. The old establishment could not raise the money for that purpose either, and thus the lives and property of the people of Manchester were placed in imminent jeopardy. Seeing this, he was not at all inclined to throw disgrace upon the corporation of that borough by disbanding the present police, or, by consenting to let the question remain in abeyance, to please the party who had been opposed to the charter. He, therefore, called on the House to give its assent to the bill.

Mr. *M. Philips* said, that his only motive in supporting the measure was the peace of the community which he represented. The facts of the case were briefly these. A police force had been established in Manchester by the corporation on obtaining their charter, but funds were now wanting to pay them, or would be very soon, in consequence of the question which had been raised as to the validity of the power of raising a rate for that purpose, under that act of incorporation. Without, therefore, taking upon himself to decide the question of validity, he should support the bill, because it contained the means of providing a good and

proper police force for the borough; and he felt bound to say, whatever decision should be come to in respect to that question, no rate could be raised in Manchester until it was settled. It had been stated, that the collection of a rate, for the purposes of the police, had been commenced by the commissioners of streets under the old system, but they had only been able to get together 1,200*l.* as yet, the amount required being about 8,000*l.* per annum. To show how effectually the amount of the police-rate had decreased since the question as to the validity of the charter was mooted, he should read the returns of the sums received in two consecutive months of each of three years past. In 1837 the collection for the first two months was:—

1st week	£1,009	3	0
2nd week	1,049	10	6
making for the two weeks conjoined the sum of 2,058 <i>l.</i> 13 <i>s.</i> 6 <i>d.</i> In 1838 it stood thus:—			
1st week (27th August) ..	£957	3	10
2nd week	1,033	14	6

Making for that period . £1,990 18 4

While in 1839, for the same space of time, commencing with the 31st of July, the sum was no more than:—

For the 1st week	£813	19	8
For the 2nd week	312	5	1

Being but

£1,126 4 9

The fact was, that the rate had been appealed against as invalid by 92 out of 140 commissioners of streets; and after that appeal, which had been published in the local newspapers, together with an assertion of the illegality of the rate, it would be next to impossible to induce the people of Manchester to pay it until the question was decided. There was another reason why they refused to pay the rate, as attempted to be levied by the commissioners of streets under the old system, which was in itself a sufficient explanation of their objection, if no other existed. The commissioners proceeded to levy 1*s.* 6*d.* in the pound, while for the same purposes, under the charter, the levy was not more than 1*s.* 1*d.* in the pound. While the validity of the rate levied under the charter was in question, he thought, unless the bill before the House was passed, that great danger to person and property would accrue in Manchester. Nothing but the perfect consciousness of that danger, and

the impossibility of finding any other remedy, could have induced him by supporting the measure, to abandon for a moment those principles of self-government which he had always professed.

Lord G *Somerset* was much obliged to the hon. Member for informing the House of the exact state of the case as regarded Manchester, for, up to that moment, he had not been aware of the immediate necessity of the measure for that borough. He was, therefore, a convert to the bill; and, being so, he was very glad that it had not been made a supplementary measure to assist the corporation. He could not help feeling some slight degree of surprise, however, at the conduct of the hon. Member for Salford, in supporting the bill before the House and opposing the Birmingham Police Bill, which went on the same principle. It was quite clear, however, from what had been stated, that there was no power in the corporation of Manchester to raise the police-rate until the question as to the validity of the charter had been legally decided; and, therefore, that there could be no police-rate until that took place. Believing that such a state of things should not be permitted at the present time, he was now ready to support the principle of the bill, reserving to himself the right of altering some clauses in committee.

Bill read a second time.

BIRMINGHAM POLICE.] Lord *J. Russell* moved the Order of the Day for going into Committee on the Birmingham Police Bill. (No. 2.)

Mr. *W. Williams* said, he was so strongly opposed to this measure, that he should move that it be committed on that day three months. The first bill which was introduced gave the town-council the entire management of their police, and no objection was made to that bill, except to the grant of 10,000*l.*, which he considered altogether unnecessary. The withdrawal of that bill, and introduction of the present, which vested the power entirely in the Secretary of State, proclaimed that the magistrates, the town-council, and the inhabitants of Birmingham, were not competent for the purposes of self-government. It took from them the power of taxing themselves for their local government; the power of maintaining a police for the protection of their property. No reason had been shown why so important

a privilege should be taken away. Nothing had happened to justify this harsh treatment of the corporation of Birmingham. The noble Lord had stated it was not his intention to make this the foundation of a measure for ultimately establishing a police force throughout the country, under the authority of the Secretary of State. He would not dispute the assertion of the noble Lord, but there were certain facts to show the existence of such an intention in some quarters. In the first place there was the Report of the Commissioners appointed to make inquiries into the state of the constabulary, which recommended the establishment of a police force throughout the country, under the authority of the Secretary of State. He warned the people of this country to be on their guard against the introduction of such a system, which would destroy the liberties of the country. This, then, was a bill extending the metropolitan police force into five counties. They knew the people would not stand the introduction of the police all at once, but the introduction of it was steadily progressing. Next, they had endeavoured to introduce the police into the city of London. A measure had been proposed which would virtually have introduced the metropolitan police into London. There had next been a measure to raise 10,000*l.* for a sort of roving police, liable to be sent to any part of the country at a moment's notice. If they acted as they had at Birmingham, the noble Lord would succeed better in creating than suppressing disturbances. When these bills were agreed to, why the metropolitan police system would pervade a fourth part nearly of the population of England. What did these things indicate? That it was intended to carry the system through the whole country. The corporations of England would practically be deprived of the management of the police. He was glad that the city of London had come forward against these bills relative to Birmingham, Manchester, and Bolton. They had resisted the measure which was intended to deprive them of an authority they had enjoyed for the last 700 years, and they did right to oppose the infliction of the same deprivation on others. He wished to draw the attention of the noble Lord to one important fact, that the two Members for Birmingham had declared that there was so great an antipathy in

the town against the measure, that the whole population, with the magistrates and council, would offer it every opposition. How then could the noble Lord expect to make his bill efficiently operate? The noble Lord had, on several occasions, evinced a readiness to follow the advice of the right hon. Baronet, the Member for Tamworth. Now that right hon. Baronet had been very desirous, when he introduced the metropolitan police system, to extend it to the city of London, and had desisted from the attempt only on account of the opposition it met with, feeling that he never could expect to make it efficient, if it were so decidedly opposed by the population among whom the system was to work. The noble Lord should follow the example of the right hon. Baronet in this respect, and pay that respect to the people of Birmingham to which their intelligence justly entitled them. He ought not to force on this measure in opposition to their wishes. If the peace were to be effectually to be preserved, it must be by a police acceptable generally to the people. Without taking up the time of the House any further, he would move that the bill be committed this day three months.

Mr. T. Attwood seconded the amendment. He hoped the noble Lord would now consent to withdraw the bill. He had received a letter this day from the town clerk of Birmingham, informing him that a petition had been presented to the council earnestly praying them, if this bill passed into a law, to terminate its operation as soon as the law gave them power—or as soon as it was decided that the law gave them power to levy the rates for their own police. But the council had rejected the petition, on the ground that it was unworthy of them, as men and Englishmen, to have anything to do with this bill. They were grave, and respectable men—very few of them had been members of the Political Union, therefore they were entitled to the noble Lord's respect. The first bill was constitutional and reasonable; this was unconstitutional and arbitrary—the first step towards driving in the wedge for the French *gens d'armes*. The people of Birmingham would never submit to it; if they did, now that the noble Lord was in his weakness, they could never expect to resist it when he was in his strength, which, if he were in at all this time two years, he would possess. The masses of the people were not disposed

to encourage fires—God forbid!—but they were generally discontented. Sorry he was to find the noble Lord in such a measure as this, deserting his high principles, and dishonouring his great name. If the noble Lord would not restore his first bill, he would advise him to retire from his situation. There were plenty of Gentlemen opposite who would gladly replace him, and who were his equals in ability. Let him retire while he had something yet remaining of his deservedly high character, unless he were prepared to leave the people of Birmingham to themselves—at least with the aid of the military—of whom the noble Lord had given them plenty; a force which, though unconstitutional, was efficient, and somewhat capable of guiding the people of England, who respected them for their courage, and admired them for their glorious achievements and martial enthusiasm. But the gendarmerie system was un-English; the word “police” was not in our language; we only had “peace officers” and constables; and the noble Lord would have done well to limit his interference to the giving power to increase the numbers of these—there was ample provision for their support. The Court Leet have certainly—like that House—wofully deteriorated from its original intention, but though a clique, self electing, they had never done anything wrong; they were all Birmingham men, and respectable in their character. If the noble Lord wished for a police force, why did he not apply to the Court Leet rather than press forward this measure of centralization? He would warn the noble Lord, if he proceeded with this bill, he would never get back the money advanced. Nor would he venture to take the soldiers out of Birmingham. The very Tories whose advice he had adopted, would beg of him to let the soldiers remain. The police themselves would be subjected to all manner of obloquy and insult. The town of Birmingham was now quiet; the law had resumed its course, and such being the case, he hoped the noble Lord would pause and reconsider before he carried the judgments passed at Warwick into execution; he hoped he would ponder well before he suffered the extrem penalties of the law to be put in force. He appealed to the noble Lord as a man of humanity on the subject; he knew he was such, for although he loathed his (the noble Lord's) police, yet as a man of humanity, and as a man of gen.

tlemanly and generous feeling he admired and respected him. He hoped the noble Lord would reconsider the subject, and withdraw this bill. If he did not, he should adopt the same course respecting this bill as he had given notice of on the Manchester Bill—he should move as an amendment in committee, that the following proviso be inserted:—

“ Provided always, that when the authority of the Mayor, Aldermen, and Corporation of Birmingham shall be ascertained by due course of law, and it shall be shown they possess the legal right of levying rates, that from that time the authority of this Act shall cease and determine.”

Mr. C. Buller wished to impress on the hon. Gentleman the impolicy of dividing the House at this stage, because it gave an air of factious opposition to a proceeding which had hitherto been conducted on high and constitutional grounds. The House had decided in favour of the principle of the bill. He proposed, therefore, to take the sense of the House as to the propriety of keeping the appointment in the hands of the town-council. He also wished to direct the attention of the noble Lord to the proposal of the hon. Member for Birmingham—that the bill should not go further than the reasons assigned—and that, when any corporation should be established in Birmingham, things should be allowed to return to the ordinary course, and the town should be allowed to be governed by the local authorities. He would also take the opinion of the House as to the propriety of taking the authority out of the hands of the corporation.

Mr. Scholefield was afraid he should disappoint the wishes of many of his constituents, whose feelings were very strongly against the bill. The noble Lord had satisfied some of his scruples; and if he would adopt the suggestion of his hon. Colleague, that would remove an additional objection. He felt, in common with many of his Friends, that it would be dangerous to press this matter, without doing something to assuage the feelings of the people. When a petition was proposed in the town-council on this subject, it was rejected, on the grounds that they would not, in any shape, recognise a measure so insulting; they felt it was an infringement of the liberties of the people. Their opposition to it was national, although they felt it as a local attack upon them, that they should be the first selected for the intro-

duction of this system, and that at the suggestion of persons who had always opposed the enfranchisement of Birmingham.

Mr. Wakley suggested, that the noble Lord should go into committee, *pro forma*, and on Monday introduce a clause limiting the duration of the bill.

Lord John Russell had already said, that he did not wish the powers granted by this bill to be continued longer than the decision of the case now litigated. But it was not so easy as the hon. Member for Finsbury supposed to draw a clause on the subject, for other matters were disputed before the Queen's Bench beside the power of levying a rate; besides, it was doubtful, whether there might not be an appeal from the decision of that court to the Exchequer Chamber and House of Lords. He saw no reason why they should not go into committee.

Amendment withdrawn.

House in Committee.

On the first clause,

Mr. C. Buller moved an amendment to the effect, that the town-council should have the power of appointing a commissioner of the police instead of her Majesty. He was not so furiously opposed to centralization as some Members. On the contrary, he thought that centralization was a part of civilization; but self-government should be also kept up as an inherent right under our Constitution.

Mr. Attwood seconded the amendment.

The Committee divided on the original question:—Ayes 63; Noes 20; Majority 43.

List of the AYES.

A'Court, Captain	Freshfield, J. W.
Adam, Admiral	Gaskell, J. M.
Baring, F. T.	Grey, rt. hon. Sir C.
Blackburne, I.	Grey, rt. hon. Sir G.
Blennerhassett, A.	Hawkes, T.
Bramston, T. W.	Hill, Lord A. M. C.
Bruges, W. H. L.	Hinde, J. H.
Bryan, G.	Hobhouse, rt. hn. Sir J.
Callaghan, D.	Hodgson, R.
Campbell, Sir J.	Hope, hon. C.
Chapman, A.	Hoskins, K.
Chichester, J. P. B.	Howard, P. H.
Clay, W.	Inglis, Sir R. H.
Cowper, hon. W. F.	Kemble, H.
Dalmeny, Lord	Lowther, J. H.
Darby, G.	Lushington, rt. hn. S.
Divett, E.	Mackinnon, W. A.
Donkin, Sir R. S.	Maule, hon. F.
Douglas, Sir C. E.	Paget, F.
Ellis, J.	Parker, J.
Filmer, Sir E.	Parker, R. T.

Philips, M.	Stock, Dr.
Phillpotts, J.	Surrey, Earl of
Price, Sir R.	Thomson, rt. hn. C. P.
Pryme, G.	Troubridge, Sir E. T.
Rice, rt. hon. T. S.	Waddington, H. S.
Rolfe, Sir R. M.	Wilbraham, G.
Rushbrooke, Colonel	Wilmot, Sir J. E.
Russell, Lord J.	Wood, G. W.
Rutherford, rt. hn. A.	Yates, J. A.
Stanley, hon. E. J.	TELLERS.
Stanley, hon. W. O.	Seymour, Lord
Steuart, R.	O'Ferrall, M.

List of the NOES.

Aglionby, H. A.	Lushington, C.
Attwood, T.	O'Connell, D.
Currie, T.	Scholefield, J.
D'Israeli, B.	Stewart, J.
Duncombe, T.	Thornely, T.
Ewart, W.	Vigors, N. A.
Fielden, J.	Villiers, hon. C. P.
Finch, F.	Wakley, T.
Hawes, B.	
Hector, C. J.	TELLERS.
Hindley, C.	Buller, C.
Humphery, J.	Williams, W.

Clause agreed to, as were the remaining clauses.

House resumed.

METROPOLIS IMPROVEMENTS BILL.]

The Chancellor of the Exchequer moved the third reading of this bill.

Mr. *Hawes* objected that the title of the bill was not accurate, as it excluded Lambeth, which was part of the metropolis, and the inhabitants paid their proportion to the coal duties. He did not wish for any specific improvement, but he suggested, that the Commissioners of Woods and Forests should have power, if they should think fit on a survey, to apply a portion of funds in their hands to the improvement of Lambeth. He would, therefore, move, that certain words should be added to the preamble.

Mr. *Clay* said, that it was not the intention of the committee to vest any power of surveying and carrying out any alterations or improvements not recommended by the committee. There were many improvements in Lambeth and Westminster which were most desirable; the improvements of Westminster, were brought before the committee by one of the Members for that city, but the committee, after long consideration, decided that those mentioned in the preamble were most important. In the report of the Poor-law Commissioners last year there was a very important report from Dr.

Southwood Smith, as to the health of the metropolis, and from that report, it appeared, that out of a population of 851,229 persons in the twenty unions of the metropolis, there were 5,692 cases of typhus fever, or six-tenths, more than one-half per cent. of the population; whilst in the Whitechapel union, one of the twenty unions, where the population was 64,000, there were 1,505 cases of typhus fever, or five times more than the proportion of the other unions. And all this was traced principally to the want of drains. He trusted, therefore, that the inhabitants of the metropolis would consent to such light taxation as would effect this great object.

Mr. Alderman *Humphery* wished, that the hon. Gentleman had referred to Dr. Smith's report as to Lambeth; if he had, he would have found as great evil from fever; and he did think that the preamble should be enlarged, for a street might be made on the Southwark side of the river, from Westminster-bridge to London-bridge, for less than 50,000*l.*

The *Chancellor of the Exchequer* said, he should object to the proposed amendment. In the first place, the bill before the House was not for the purpose of effecting the contemplated improvements, but only for the purpose of giving to the commissioners of Woods and Forests the means of ascertaining, during the recess, what would be the expense of completing those improvements, and it would be for Parliament to determine next year whether those improvements ought or ought not to take place. The present bill had been unanimously recommended by the committee, which was not a packed committee, and he was the only Member of Government on it. The improvement in Lambeth, he was ready to admit, was of great importance to the whole metropolis. But he was not going to discuss the merits of these different plans, but to carry out the objects of the committee, which he was most anxious to effect.

Bill read a third time.

Mr. *Hawes* formally moved the insertion of words as he had proposed.

Mr. *Hume* asked if there was sufficient money out of the 200,000*l.* to effect this additional improvement; for, if there was, he would support the amendment.

The *Chancellor of the Exchequer* replied, that, from their present information, it appeared that there would be no surplus.

Mr. Alderman *Humphery* thought, that if the improvements recommended by the committee were properly managed, there would be a surplus, and that surplus, whatever it was, he wished to secure for Lambeth and Southwark.

The House divided on the insertion of the words proposed by Mr. Hawes:—
Ayes 8; Noes 34: Majority 26.

List of the AYES.

Attwood, T.	Vigors, N. A.
D'Israeli, B.	Yates, J. A.
Duncombe, T.	
Ewart, W.	TELLERS.
Hinde, J. H.	Hawes, B.
Hodgson, R.	Humphery, J.

List of the NOES.

Barnard, E. G.	Lushington, rt. hn. S.
Bernal, R.	Muskett, G. A.
Bridgeman, H.	Palmer, C. F.
Brotherton, J.	Parnell, rt. hn. Sir H.
Bruges, W. H. L.	Pechell, Captain
Chapman, A.	Philips, M.
Clay, W.	Phillipotts, J.
Cowper, hon. W. F.	Price, Sir R.
Darby, G.	Rice, rt. hon. T. S.
Donkin, Sir R. S.	Rolfe, Sir R. M.
Elli's, W.	Russell, Lord J.
Fielden, J.	Smith, R. V.
Fitzpatrick, J. W.	Troubridge, Sir E. T.
Fremantle, Sir T.	Wood, C.
Hobhouse, T. B.	Wood, Colonel T.
Hodges, T. L.	
Howard, P. H.	TELLERS.
Jervis, S.	Baring, F. T.
Lushington, C.	Hume, J.

Bill passed.

SLAVE-TRADE SUPPRESSION BILL.]

Viscount Palmerston moved the suspension of the Standing Orders on this bill.

The motion having been assented to, the Bill was read a second time, and went through a committee.

On the motion for bringing up the report,

Sir *Thomas Fremantle* hoped the noble Viscount would state to the House the grounds on which this motion for the suspension of the Standing Orders was made.

Viscount *Palmerston* said, that he had entered into the grounds upon which he intended to make his motion on the previous evening at very considerable length, but he would repeat them in a very few words for the satisfaction of the hon. Baronet. He understood that the ground of the rejection of the former bill arose from a misconception on the part of the House of Lords as to the form of the pro-

ceedings. That objection had since been removed by steps which had been taken, and he, therefore, hoped, that their Lordships would consent to adopt this measure. The orders to the commanders of cruisers that were necessary, in order to put a stop to the slave-trade, could not be executed by them, unless they were protected by a bill of this description. The bill protected the commanders of such vessels from all vexatious suits in courts of justice; gave the Admiralty Court a right to adjudicate upon the vessels seized; defined what sort of equipment constituted a slave-vessel; and gave to the Admiralty and Vice-Admiralty Courts a right to deal with vessels taken while engaged in the Slave-trade, but having no nationality, in the same manner as if they were British vessels. He hoped, that the House of Lords, who, he was sure were most anxious to put down the Slave-trade, would concur in this bill, which was absolutely necessary, in order, that their wishes might be carried into effect.

The Report received.

Bill to be engrossed.

PROGRESS OF PUBLIC BUSINESS.]

The Chancellor of the Exchequer moved the Order of the Day for a Committee of Ways and Means.

Mr. *T. Duncombe* rose to submit to the House the resolutions of which he had given notice. The House having recently consented to place at the disposal of her Majesty the means necessary for increasing the military force of the country, he thought, they as the representatives of the people, owed it to the distressed millions of this country, from whose pockets those means were collected, to do something more than merely vote money and agree to measures of coercion. It was also due to them to admit that their manifold grievances were not altogether unfounded, and that there were many just causes of the late and existing discontent, which coercion alone, would not put an end to, but which ought to be met by a disposition to redress. It might be very easy for hon. Members in that House—it might be very easy for those who were basking in the sunshine of a Court—it might be very easy for those who were enjoying all the blessings of affluence and prosperity, to blame the people for their impatience and unreasonableness; and it was also very easy to attribute the dis-

turbed state of the country to the exorbitant demands made by the working classes—but if that House would look a little into their own conduct with respect to the practical grievances of the people, they would, as honest and impartial men, be compelled to admit that they were not altogether exempt from blame, as regarded the condition in which the country unfortunately was at present. He readily admitted that many of the charges and allegations in the resolutions which he was about to move might be extremely disagreeable and very painful to many hon. Members of that House; but, at the same time, if they were true, assuredly, in the present state of the public mind, the House ought not to shrink from admitting their justice. He would not be so vain and presumptuous as to imagine that when her Majesty terminated the Session of Parliament, and when the Speaker was called upon by the Crown to explain, in the name of the Commons of England, the manner in which the Session had been occupied, they would find in his resolutions anything that would lead them to solve what appeared to him to be a most perplexing question; but he could not help thinking, that when hon. Members met their constituents on those different occasions—dinners, meetings and the like, that were apt to occur during the recess—when hon. Members were expected to give an account of their proceedings, if they took a bill of fare for their dinner, they would find it a complete answer to those inconvenient and disagreeable interrogatories with which hon. Members were often at such a time assailed. And here let him warn the House, that it would not be sufficient for them on this occasion to put one of their cold, chilling, contemptuous negatives on these resolutions. If they could not be refuted, they ought to be adopted. He was not going at that late hour to enter at any length into these resolutions; but he challenged them to deny the truth of the most important statements they embodied. For instance, could it be denied that, in the course of the present Session, that House had refused to remove the restrictions on foreign trade, and especially upon the trade in corn, could it be denied that, while enforcing the new poor law, they had told the poor that the object of the measure was to compel them to rely on their own resources, at the same time that, after they had toiled from sunrise to

sunset, they desired to carry the produce of their labour to a cheaper market, the Legislature refused to allow them to do so, by interposing an exorbitant restrictive tax? To do this, at the same time that you told them they must rely on their own resources, was a heartless mockery; it was adding insult to injury. Could it be denied, that measures for securing a cheaper and more expeditious administration of justice—measures that were promised at the commencement of the Session—had been abandoned, while the salaries of justices had been augmented? In the very first clause of the Queen's speech at the commencement of the Session, the attention of Parliament was called to the necessity for introducing such measures as would render justice cheap and accessible to all. Had not those measures been abandoned? Yet the votes of the last few days were in evidence, that the salaries of judges had been recently augmented. Another grievance, that of church-rates, did it not remain unredressed? Was a settlement of the church-rate question any nearer now than it was nine years ago, when the Whigs first came into office? Some few years ago there was a vast expenditure of virtuous indignation from hon. Gentlemen who now occupied the Government benches; yet at this very hour there were victims expiring in gaols because of the non-payment of church-rates. Another pretext for increasing the number of troops was the existing state of Canada. It was said that the condition of that colony was such, that a considerable increase to the army was imperatively called for; and, at the same time, a promise of settlement of the affairs of the colony was made. The augmentation of troops had taken place, but there had been no settlement; and the last accounts from the colony showed that they were in a state of despair on account of the postponement of the settlement. From his own personal observation of affairs in that colony in December last, he could state, that wealthy and influential inhabitants of Canada were then in the expectation that Parliament would have immediately met, in order to examine into their grievances, and apply a remedy. Parliament, however, did not meet until February, and what had they done since towards redeeming the grievances of which the Canadians complained? Nothing. Report had it, that his right hon. Friend, the President of the Board of Trade, was

going to try his hand at a settlement of the affairs of Canada. He did not know whether the report were true or not; but if it were, he would recommend his right hon. Friend to make haste, otherwise on his arrival on the other side of the Atlantic, he might find no colony to govern. He might also refer to the motion of his hon. Friend the Member for Kilkenny, as regarded household suffrage; and to the motion of the hon. Baronet, the Member for Preston, on the 10^l. household franchise in counties; or even to what took place on the first day of the Session, when he (Mr. Duncombe) moved an amendment on the Address, to the effect, that, as the House very well knew, reform had disappointed the expectations of the people, and calling upon the House to proceed to the consideration of the subject, with a view to fully carry out the objects of the reform Act,—how was that motion met? By an observation, that such a course was a very inconvenient one. There was no want, in that address, of empty compliments to the Crown. When, again, the Irish vote of confidence was brought forward, the House was ready enough to vote compliments to themselves and the Government, to induce them to vote compliments to them; but the expediency of granting further reforms to the people was denied. Yet such reforms would produce contentment, and secure the permanent welfare of the country. Then, with regard to the question of vote by ballot, all knew that the ballot was denied when asked for during the present Session; yet on all hands hon. Members were ready to admit that corruption and intimidation were rife in every part of the country. What hope, he asked, could the people entertain that this House would ever grant them any redress of their political and social grievances? Every vote of this long, tedious, and unsatisfactory Session, had given them reason to complain; and, unfortunately, nothing had occurred to afford reason to indulge the hope, that in a future Session anything would really be done for the people. Was it, then, surprising that the people should have been dissatisfied? It was not, however, yet too late for them to confess their errors. If they agreed to these resolutions, they would give universal satisfaction to the people of England. Much of the existing discontent would be removed; the loss of many lives during the coming winter would probably be

saved. At all events, by adopting them, a guarantee would be given to the people that the next Session would not pass away unprofitably, as had been the case with the present Session; that the course and spirit of legislation would in future be changed; that the manifold grievances of the people would be fairly and cordially investigated, and a reasonable hope afforded, that, in the course of next Session, these grievances would be generously redressed. The hon. Member, in conclusion, moved the following Resolutions:—

“1. That in agreeing to provide the means for an increase of her Majesty's military forces, called for by the Executive Government at an unusual time, and under peculiar circumstances, it is the duty of this House to declare—

“2. That the troubled state of the country arises from causes which the application of repressive means, against large classes of her Majesty's subjects, will not remove

“3. That the existing discontents are, in no small degree, to be attributed to the neglect of Parliament, in not taking measures for the improvement of the social and political condition of the people.

“4. That, in particular, in the present Session, Parliament has refused to remove restrictions on the foreign trade of the country, especially the trade in corn; thereby limiting the demand for English labour, and diminishing its remuneration, while the cost of subsistence is increased; and the new Poor-law is enforced, with the view of teaching the people to rely on their own resources, by the same Legislature which prevents the poor from exchanging their labour for the cheaper food of foreign countries.

“5. That the measures promised at the commencement of this Session, for rendering justice cheap and accessible to all, have been abandoned, while the salaries of judges and magistrates have been augmented.

“6. That the grievance of church rates remains undressed.

“7. That for a national education a very small and inadequate provision has been made, while the military and naval expenditure had been greatly augmented.

“8. That any necessity for an increase of the army is mainly occasioned by the disturbances in Canada, and that, until a satisfactory arrangement of the affairs of that colony be effected, the relief of the people of this country from the expense of its military occupation is not to be looked for; notwithstanding which, the Session has passed away without any attempt by Parliament to effect such settlement.

“9. That the prayers of the people for further reform have been disregarded.

“10. That protection to the elector, in the free exercise of the suffrage, was denied, by

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the rejection of the motion to establish voting by ballot.

"11. That this House has not only refused to grant any extension of electoral privileges, but even to take into consideration the prayers of upwards of a million of her Majesty's subjects, who solicited attention to their claim of franchise.

"12. That no hope has been held out to the people that, at any future time, Parliament will grant redress of their social and political grievances.

"13. That until the spirit and course of legislation in the Imperial Parliament be changed, and proper regard had to the welfare and wishes of the whole people, instead of the interests of predominant classes, no security from the recurrence of such disturbances as the Government now demands the aid of Parliament to repress, can be reasonably expected."

Lord John Russell said, considering the length of these resolutions, the hon. Member had certainly not made a long speech in support of them; and as the hon. Gentleman had not thought it necessary to enter into detail on the subject, he did not think it necessary to take a different course. The main gist of these resolutions seemed to be, to call on that House to resolve, that if a different policy had been pursued as to certain measures, the existing discontents would not have prevailed to the same extent, and the application of repressive means would not have been required. One fact was quite clear, that those who were most discontented, and whose prayer the House had refused to take into consideration, had been themselves the most opposed to those very measures which the hon. Gentleman had declared were necessary in order to satisfy them. First, as regarded the Corn-laws. He had been in favour of taking that subject into consideration, and of the House resolving itself into committee on the question; and if there had been at the time a very general opinion expressed on the part of the people against the continuance of the Corn-laws, he thought it not at all improbable that the motion might have been attended with success. But so far from that being the case, one of the most prominent points insisted upon by those who had so petitioned Parliament at their public meetings, was a determined opposition to repeal the Corn-laws, and they endeavoured to prevent petitions for repeal from coming to the House. The usual supporters of the Corn-laws, in fact, considered that they had achieved a great triumph

when they received the support of those who called upon the House to consent to a reform in the representation of the people. Similar occurrences took place with regard to the question of the ballot. He had seen many arguments against the ballot very strongly put, but none more vehement than those with which he had met in the Chartist newspapers. They warned the House against adopting the ballot. Nothing, they said, was more likely to promote discontent, and increase the dissatisfaction of the people, as they would then have no chance whatever of attaining their rights, and would lose that degree of controul which they now had. So much for two of the measures which the hon. Member declared would, if agreed to, diminish the discontent of the people. With regard to the Corn-law question, he must say, that the hon. Gentleman had put the question somewhat invidiously as affected the whole House. The hon. Member had also somewhat invidiously mixed up the Corn-law with the Poor-law. He said that the poor were told to subsist upon their own resources, at the same time that they were prevented from purchasing their corn as cheaply as they elsewhere could purchase it. This must entirely depend on the view taken by hon. Members individually of that question. If hon. Gentlemen agreed with the hon. Member for Finsbury, then, undoubtedly, they would be very wrong to attempt to force the Corn-law on the people. But how stood the facts as regarded the operation of the Corn-laws upon the poor? Why, it was said, that a large portion of the people—the agricultural labourers having mostly large families—so far from being aided by a repeal of the Corn-law, would be thrown out of employment and prevented from maintaining their families. He did not say, that was correct, but it was most harsh and invidious to impute to the House that it dealt selfishly with the people in not repealing the Corn-laws. The hon. Member also complained of the measures for rendering justice cheap and accessible having been abandoned. But the hon. Member seemed to forget, that every Session measures were obliged to be deferred for consideration to a future Session, when it was found to be impossible to carry them through. The mere circumstance of these bills having been deferred, did not prove, that Parliament had any hostility to ren-

dering justice cheap and accessible to all. Undoubtedly, the grievance of church-rates still remained unredressed, but it was a question on which there was a great division of opinion in that House, and it was one which Parliament would still have to consider. Nor could he agree in the eleventh of these resolutions, that no hope was held out of a redress of social and political grievances at any future time. During the present Session he was sure, that no question that had been mooted had been discussed in any other spirit than with reference to its tendency to do away with social and political evils. As regarded many of those measures, there were, no doubt, great party differences, but on the other hand, when the House became satisfied, that any particular measure would be conducive to the removal of social and political grievances, there was no difficulty in passing such a measure. If any measures of the kind were proposed, he would be very glad to support them if he approved of them; but, at the same time, he would oppose them if he did not think them calculated for the good of the community. He would himself be ready at any time to bring forward any measures for the redress of political and social grievances, as he had already from time to time done. Looking at the acts of the Government during the last ten years, he really did not think indifference could be fairly charged against the Government. To assert that the Government had set their faces against all reform, was to commit a great injustice. The hon. Gentleman asserted that the House had refused to listen to the prayers of a million of her Majesty's subjects, but this was scarcely a fair mode of stating the case. The real question was, whether the House should adopt universal suffrage, annual Parliaments, and vote by ballot, and abolish all property qualifications for Members of Parliament. Those were the demands of the petitioners, and he had never heard those who advocated their prayer, state that they would be contented with any but the full measure of their demands. They never adopted any disguise as regarded their views. Nothing less than the full amount of their demand would satisfy them. To those demands he was opposed, and, therefore, he had voted against the petition. They surely could not complain that he had deceived them in the vote which he gave on that

occasion. But, assuredly, if hon. Members had voted for that petition, and had afterwards come down to the House with propositions that did not go so far as the prayer of the petition, they would have more irritated the petitioners and have given just cause to more discontent than the refusal to receive the petition had occasioned. It might be thought the propositions of the Chartists were beneficial in themselves—they might possibly have a prospect of being proposed and carried; but this he felt, that persons who armed themselves to take away the property of others even to the extent of assaulting the officers of the law, would by no means be satisfied with less than a change of places in society—that they would take the property of those who had property, and confiscate it to their own leaders; and he believed the object of those leaders was to get possession of as much property as they could, while they deluded the people by holding out great advantages to them, and to enrich themselves by spoliation, robbery, and depredation. That was his belief as regarded the Chartists, and, therefore, he thought it much fairer, when the subject of the petition was before the House, to declare his opinion that the greater portion of them were deluded than to support the prayer of their petition. With respect to the various points contained in the resolutions of the hon. Gentleman, there was no doubt that there were times when certain measures were more peculiarly pressing on the attention of Parliament, for the remedying of some great grievances, and there were undoubtedly other times, when, together with the consideration of such measures, you must take measures to support the authority of the law and of the Government, and to maintain the institutions of the country. It was his conviction, in the course of the present year, that it was incumbent on him to take measures to maintain the authority of the Government both at home and abroad. The hon. Gentleman had made it part of his charge that the Government had maintained the authority of the Crown in Canada without having at the same time introduced any measure for the settlement of the differences that gave rise to the necessity for so doing. Why, some persons of very high authority, thought, that Government had proceeded too quickly to the settlement of the affairs of Canada. But the hon.

Gentleman forgot that even if a measure for the union of the two colonies had been carried, or any other measure for the settlement of the question, Government would have not the less required, both for this and the next year, sufficient military force to repress the disturbances in Canada. For, to suppose that, by an Act of Parliament, you could at once not only satisfy, be it remembered, one discontented party, but restore to harmony the two contending parties in Canada, and that, too, without the aid of a military power, was a notion too chimerical to be for a moment entertained. Taking, then, the whole arguments into consideration, he entirely disagreed with the hon. Gentleman's resolutions. It was quite clear that the intention of the hon. Member was not so much to get the consent of that House to them, as to place on record censure both on the Government and the House. He did not feel that either the House or the Government were liable to the censure which the hon. Member proposed to cast upon them, and he should, therefore, certainly vote for going at once into the business of the evening, and against the resolutions.

Mr. *Wakley* saw nothing in the resolutions open to the objections of the noble Lord. Upon this subject he should regard himself as one of the most cowardly of mankind if he did not, in the face of the House and the country, declare that he considered the conduct of that House as infinitely worse than that of her Majesty's Ministers, and there was no ground whatever to justify the House in the course that it had pursued. The Ministers had every temptation to do wrong—they met with every encouragement from the House in their bad proceedings, and they hardly met with support in their good measures. He did not think, therefore, that his hon. colleague would have been justified in placing the censure entirely on the Government. He did not believe that the people would get better treatment from a Parliament, constituted like the present, than they got this Session. He felt satisfied that it was not in the nature of the House, constituted as it was, to pass any great legislative measures for the benefit of the country. Hon. Members almost seemed disposed to treat the people like a set of untameable wild beasts. They seemed ever desirous that the liberties of the people should be abridged. Was it then to be expected

that the great bulk of the community could be satisfied? The people would only be worthy of being scourged if they were not dissatisfied until they attained the objects essential to their well being, and until the evils to which they were now exposed were redressed. He trusted until this was done that they would continue to feel some discontent and cause uneasiness. He trusted that they would not allow the two Houses of Parliament to rest on beds of roses while they were exposed to so much oppression and injustice. That House was constituted to attend to the interests of the great mass of the people, and not merely to uphold the privileges of any particular class. The noble Lord had complained of the length of the resolutions, and of the shortness of his hon. Colleague's speech; but he thought that if matters were changed, and the resolutions had been shorter and the speech longer, the noble Lord would not have been better pleased. He had prescribed only three powders to the noble Lord last year, but the noble Lord was equally dissatisfied now when his hon. Friend gave him twelve. On this subject, therefore, it was a matter of considerable difficulty to please the noble Lord. The noble Lord said, that the success of measures that would have been found beneficial had been impeded by the Chartists, who had come forward and excited such a strong feeling in the country, and he added, that if different conduct had been pursued, it would have led to a different result. But what was the fact; the people had long petitioned for the ballot, short Parliaments, and an extension of the suffrage; but they had not got one of them, nor did there appear any disposition on the part of the House to concede them. What right, then, had the noble Lord to suppose that the people would have succeeded in getting a repeal of the Corn-laws from that House; and above all when he had said, with respect to the Reform Bill, that the framers of it had intended by it to give the landed interest a predominance in that House? [Lord John Russell—"No, no!"] At any rate, the noble Lord said, last year that he knew that that would be the effect of some of its provisions; and this was still worse, because it was a foregone conclusion. The people came to that House and said, that they wished to be put on a footing with the inhabitants of foreign nations with respect to obtain-

ing cheap food. But their prayers were directed to the great landed proprietors of England, who had such a powerful interest in keeping up the Corn-laws. These great monopolists, however, decided in their own case, and were judge and jury in the cause in which they were interested. Unless, therefore, the screw was put on them pretty tightly, was it to be supposed that they would yield? But was it to be supposed that hon. Gentlemen were so blinded to their own interests, that they would hold by the monopoly they enjoyed until the commerce of the country declined at such a rapid rate, that the remedy would come too late. Every person who reflected on the subject must know and feel, that whatever might have been the effect of the Corn-laws in past times, their tendency was to ruin the commerce of the country; and that, therefore, they must cause the greatest mischief to the community; for if they were continued, it was impossible that our manufacturers could maintain the struggle on such terms with foreign nations. Was it either just or reasonable that the landed interests should derive advantages from a monopoly at the expense of all the rest of the community? They had succeeded in many instances in deluding the farmers into the belief that the repeal of the Corn-laws would be followed by the rise of English agriculture. He believed that a number of the landed aristocracy never went into the country without going to some farm-house or other, and making a speech of that kind. They were very fond on such occasions, of describing the farmers as most intelligent men; but, when an appeal was made to that House, to enable the farmers to exercise their free judgment in the selection of their representatives, they were the most strenuous opponents of the proposition, and on no consideration would they consent to the measure by which the farmer could exercise his franchise freely, and according to his inclination. They always said, that it would be un-English, and a mode of voting that would be disgraceful to an honest person. The fact was, that the nation had been cajoled and deluded into a state of quiescence, which should not be allowed to exist. He said quiescence, for if the people were alive to their true interests, the landed aristocracy and that House, never should be allowed to have an hour's peace, until the Corn-laws

were repealed. He was as convinced as he could be of anything, that this country must inevitably sink in the scale of nations, if the Corn-laws were not repealed. The House refused to sanction the motion of his hon. Friend to go into Committee, to take the Corn-laws into consideration, with the view of altering them, but he trusted that the demand would become loud and general for their total repeal; for he was of opinion, that there should be no protecting duty, and no restriction on the importation of food, but that it should come to every man as freely as the air he breathed. It should be recollected, that foreigners, as well as ourselves, possessed energy and intelligence, and they possessed all the means of manufacture, in an equal degree in this country; and was it to be expected, that we could run the race of competition in manufactures, with a millstone around our necks? It was most astonishing to him to see how quiet the people of this country were, under such a grievous injustice. He was sorry that there had been found people in this country, who had been alluded to, who could be so much in error, as to draw the attention of the working-classes from this important subject. He admitted that there might be some difficulty in making generally intelligible, or carrying into effect, a measure involving complicated theories, but he thought that it was almost obvious, that the greatest good would result to the working-classes from the repeal of the Corn-laws. He was sure, if public attention was directed to the subject, that these laws would not last three years longer. It might be supposed, that while the Corn-laws thus oppressed the people, they were to a considerable degree relieved from taxation, and that landed property was heavily taxed. But that was not the case at all. Every article that the poor man consumed, with the exception of water, was taxed heavily, while the richer classes were almost entirely exempt from taxation. The amount of the malt-tax in a single year, was 4,500,000*l.*, and all this was derived from the working and middle classes. He believed that the people never would be content, until property was taxed. If the House would not repeal the Corn-laws, he trusted some means would be devised of raising and levying a tax upon property, and he hoped that there would be an effective agitation for this purpose, and h at thus

at least; some burdens would be placed on the shoulders of the aristocracy. They had constant demands made on them to afford relief to the agricultural classes, but they had too great influence already, and the whole system of legislation in this country, was in their favour, while it pressed most unjustly on the commercial and manufacturing classes of the nation. It was said that manufacturers had protecting duties in this country; true, but the manufacturers said, let the Corn-laws be repealed, and you may take off all those protecting taxes. He would conclude with entreating the noble Lord to promise before the Session closed, if he could do so with any regard to his sense of duty, that something should be done next Session—that he would hold out some expectation that some little thing would be done next year, on which the hopes of the people might rest during the vacation. He would not name or specify what should be done, but he trusted that the noble Lord would indicate in the House, that attempts would be made to do something for the people next Session. He should be very ungrateful if he did not thank the noble Lord for what he had done with respect to the post-office. It was a very great thing for the public, and he was sure that they would be grateful for it, but he feared that the working-classes would not feel the immediate benefit of it. He felt this, because he knew that they were too distressed, in consequence of the pressure of the Corn-laws, and were too much oppressed to be enabled to indulge in correspondence. It was not a pleasure to those classes to send accounts of their distresses and sufferings to their relatives; but let the Legislature give them a freer scope, and a greater power to act—make them more comfortable, and then their imaginations would soar into the regions of delight, and they would freely correspond with their friends. He, however, thanked the noble Lord for this boon, and he was sure that it would be productive of the greatest benefit to the community, which would feel grateful for it. He trusted, however, that the noble Lord would turn his attention to the situation of the working classes, and see whether something could not be done to relieve their condition. The people of this country were neither disloyal, discontented, nor sanguinary, and would not endanger either life or property; but they

had been exposed to the most cruel sufferings, and only required to be treated with justice. He knew that a great deal of dissatisfaction prevailed, and this would continue until every essential wrong was redressed: he would not encourage violence, but he trusted the people would continue to demand justice, until their just grounds of complaint were removed.

Mr. *T. Attwood* perfectly agreed in all that had been said by the hon. Member who had just sat down, and only regretted that the other hon. Member for Finsbury, had made his resolutions so long. The discontent that prevailed amongst the working-classes, arose from the want of employment, or low wages, or both. It happened that when the people of England had full wages, they only got half work; and when they had full work, they only received half wages. There must, therefore, be something vicious in the state of society, to lead to such a result. There must be some great organic disease of the body politic. The noble Lord had addressed the House very much in the tone of a very excellent man who had been his predecessor in that House as the representative of the Government, who on one occasion said, in reply to a complaint of distress, that he was surprised to hear any person make such an observation in that happy land, as he had never heard of it before. This was Lord Spencer, who complained that any one should assert there was distress in that happy land. This reminded him again of an old lady, who was sitting down to an excellent dinner during the riots of the Luddites, and who exclaimed, “How can people do so in this happy country, where God Almighty provides such plenty.” Persons who had large incomes in the funds, or held mortgages, were always exclaiming that England was the envy of surrounding nations, and the admiration of the world. It might be so to these mortgagees and money-mongers; but it was not so to the suffering labouring population. He would remind the House of what had brought the monied aristocracy into the powerful situation which they filled. He was sure, that the noble Lord, from his appearance, knew what he was about to say. About twenty years ago, this monied aristocracy, by means of a legal quibble, got this great advantage to themselves, and they behaved like Nicholas of Russia. They did not, like Alexander, fix the metallic

standard at five shillings in the pound, nor do what the right hon. Member for Tamworth should have done, fix the standard at ten shillings, but, unhappily, they went back to the ancient standard. They, by some hocus pocus, persuaded the Legislature to change the paper money of ten shillings in the pound, to the old standard of gold. They could not at first persuade the landed interest to consent to this, but they succeeded at last by giving them the Corn-laws, and then they were allowed the money law they required. They said, we will shut out all foreign corn, and see how we shall all prosper, for you will keep up your rents, and we shall keep up our dividends. A member of the aristocracy told him a short time ago, that things would not go right in this country, until the merchants were driven back into the city [*oh, oh!*]. He dared say that was an aristocratic cheer, and he must observe, that he wished his hon. Friends behind him, would behave as well as his hon. Friends, or opponents, in front, for he found that he constantly met with better treatment from his political opponents, than from his political friends. The peer and the baron had laid their heads together, and driven the weakest to the wall, making the labourer suffer in his wages, while they divided all the benefits between themselves. Grinding poverty was the disease under which the country laboured, and until this was relieved, no coercion would repress the discontent of the working-classes. He hoped, that amid the many dangers which threatened the country, the noble Lord would hold out some expectation to the people, that he would next Session introduce some measure, by which they might earn fair wages for fair work.

Mr. *Villiers* said, there was considerable analogy between the course taken by the hon. Gentleman who spoke last and that of the Chartists at their public meetings. The hon. Gentleman was always repeating the opinion that he received more favour at the hands of hon. Gentlemen opposite than from Members of his own side of the House. The fact was, that there was something so singular in the matter and so eccentric in the manner of the hon. Gentleman, that he contrived to throw discredit and ridicule on almost every question he touched upon in the House. He did not say, of course, that this was intended by the hon. Gentleman, but most

certainly this was the effect he produced. In spite of that, however, he should support the resolutions proposed by the hon. Gentleman near him, because they were clear, and distinct, and true, and because he thought it important the House should admit them to be so; because he thought the proceedings of the House were not worthy of the purposes for which it was assembled; and because he thought that its first great step towards repentance was to admit its sin. There might be some persons who thought that the course which the Legislature had taken was the right course, and it was well that the British public should know what legislation was thus thought right; but he, for one, thought that the course which had been pursued in the House—he said it without casting any reflection on the Government, or any particular portion of the House—but he certainly thought that, as a general result, the course which had been pursued had a tendency not to raise, but greatly to lower the House in the estimation of the country, a result which every right-thinking and patriotic mind could not but regard as a most serious evil. He thought there was something in the mode of legislating—something in the nature of the legislation itself—both what had been done, and what had been left undone, which was calculated to produce this most undesirable effect, and he considered it well to have this review of the conduct of the House drawn out and presented to the House and to the country, that it might be seen what were the omissions which had to be remedied. There were only two ways in which they could allay the discontents of the country, and restore its confidence in that House. The first was for the present House to legislate for the people as it ought to legislate for them; or that there should be included such a sufficient number of the people in the constituencies who were stated to be represented in the House, that on the people might be justly cast the blame, if the legislation of the House was bad. He thought it highly doubtful whether the first of these objects could be thoroughly carried out in the present constitution of the House, under the existing franchise, and mode of exercising it, which gave the aristocratic interests a great preponderance over national interests. At present he believed that all the sinister, all the sectional interests were represented in the

House, but not the national interests. It was this neglect of the national interests that occasioned the national discontent. For the security of the country it was necessary that the middle and working classes should be satisfied with the legislation of Parliament. He believed, indeed, that it was only the lowest and most ignorant of the people that talked of violence against property, and he believed that their violent and criminal intentions, as expressed at public meetings, need be treated with no other feeling than entire disregard, and the absence of all apprehension, if the classes immediately above them were not discontented; but there was much cause for alarm when it was considered that these classes, too, were dissatisfied. He trusted these resolutions would be agreed to, in order that the country might derive some hope for the future, from the admission which the House would thus make, that all had not been done which ought to have been done.

Mr. Warburton would support the resolutions most cordially. They went nearly on the same grounds which he himself took in opposing the extension of the standing army. The discontents which prevailed were not confined to the lowest or most ignorant classes. There was a large number of steady and thinking persons in the country who had been the supporters of moderate reform from the time when the Whigs last came into power, and a very considerable portion of these were entirely dissatisfied with the course of legislation which that House had pursued. The noble Lord said, that it was the Chartists themselves who had interrupted the progress of the Corn-law question; but this was not because they were in favour of the continuance of these laws, but because they considered that to petition the House, in its present constitution, to abolish those laws, would be utterly useless. Looking to the non-progress of the measures brought in for the good of the people, the people had a right to conclude, that the constitution of the House was not what it ought to be. It was because of the finality principle, and of the discontent which it caused, alienating from the Government the affections of the middle classes, the best supporters of order and the public peace, that violence had been supposed to exist. He hoped that principle would be abandoned, and that her Majesty's Government would advance the cause of reform. If they

persisted in refusing to do so, some other Ministers must be found who would take a contrary course.

Mr. D'Israeli said, that when the hon. Member for Birmingham ascribed the present condition of the country to the state of the currency, he thought he would find a more obvious cause in the systematic attacks which had been made since the Reform Bill upon the civil rights of England. Of late years, the Government of the country had been engaged in assailing the rights of the people, and the people had turned round with an instinctive spirit, and assailed the constitution of the realm. That he believed to be the real state of the country at the present moment. If hon. Gentlemen would only take a retrospective glance at what had passed during the last seven years, and see what the Government of this country had done in attacking the civil rights of the people, they would not be surprised at the effect which had been produced. Within the last seven years they had attacked the Church; they had totally revolutionized the parochial jurisdiction of the country—that most ancient jurisdiction, an institution bringing much finer and nearer relations between the people than any political institution they could boast of; they had attacked the ancient police of the country; they had attacked the old local administration of justice, and confiscated the ancient patrimony of the people. They had attacked trial by jury, and had destroyed old corporations. He should like to know what could create discontent throughout the country, if conduct such as that would not. Every public sedition, that had spread, had always originated from an attack upon the civil rights of the people. Generally speaking, sections of the aristocracy had taken advantage of the circumstance, and placed themselves at the head of the people in the political movement. It was a most remarkable fact, however, that in the present instance there was no portion of the aristocracy whatever connected with the movement of the people; and yet there was a deep and a wide spread organization. What might be the cause of that, it was the duty of the House to inquire. The noble Lord was not only a political student, but an eminent historian. The noble Lord, it seemed, had discovered the cause of sedition. Far be it from him to cope with the noble Lord in endeavour-

ing to trace the pedigree of sedition; but he readily confessed, that he felt disposed to trace it to a higher source than Mr. Oastler. Yet true it was, that the noble Lord had traced it to the single efforts of that now celebrated personage. When the noble Lord ascribed the present discontent to the agitation which had taken place upon the Poor-law Amendment Act, he quite forgot the support and the means by which the Reform Bill had been carried. So far from the outbreak in Birmingham, for instance, being attributable to that agitation, every one who was at all acquainted with Birmingham, knew, that it was a subject which had produced less effect in that town than almost any other which had become matter of public discussion. There was a time, as they were all aware—namely, after the Reform Bill had passed that House—when they were told 200,000 men were to march from Birmingham, to assist the decision of the other House of Parliament. That was before Mr. Oastler's time. Well, it seemed that this great body militant were now about to arrive to assist the noble Lord in his decision; in what spirit the noble Lord would receive them, it was not for him to project. But when the noble Lord ascribed the present disturbances to a few demagogues, and to an Act passed more recently than the Reform Bill, he ought first to remember, that his predecessor had received a deputation from Birmingham, headed by a tricoloured flag. The noble Lord regarded the Chartists of England, as if they were the first body of men who had appealed to physical force, and as if physical force had not previously hastened many a man into place and power. With that idea, the noble Lord called upon all parties in that House to adhere together, and to invest the Government with fresh and invigorating powers. He talked as if the hon. and learned Member for Dublin had never appealed to the support of 500,000 fighting men. That, he must suppose, was an appeal on the part of the hon. and learned Gentleman, to the intellect, the vigour, and the moral energy of his country. The people of this country, had, in fact, been debauched by agitation, which it had been the interest of a particular party to encourage. He did not mean to say, that that morbid feeling alone, would have produced the present result. But when those men who assisted

in carrying on a great revolution, found, that the change had only effected a systematic attack upon their rights—surprised at the result, they turned round upon their instigators, used the very weapons with which they had armed them, and had recourse to the arts and devices which they had taught them. They might depend upon it, that they had not that hold upon the mind of the people which would enable them to arrest their course whenever they pleased. It might not be flattering to their self-complacency to say, but it nevertheless must not be forgotten, that they were the youngest representative assembly in the world. They were younger even than the Chamber of Deputies in France. They bore the ancient title, it was true, of the House of Commons, but they had no prescriptive right to it. They could not appeal to what Lord Bacon styled “reverend antiquity.” Instead of cultivating the affections of the people, and exciting their respect for antiquity which they naturally admired, they were perpetually taking away their rights, and disturbing the foundation of everything ancient in the nation. Formerly they were supported by an overwhelming majority of that House. What had since reduced the constitution of the country to a state of political paralysis, for that was the state which it was in at present? Who could deny, that all that could now be said of the once celebrated constitution of England, which certainly had been the pride of Englishmen, and which he believed had also been the admiration of Europe, was, that it was a system of polity under which the Sovereign could do no wrong, and the Government no right? The paralyzed state of the constitution was owing, as had been confessed by the hon. Member for Bridport himself, to the weakness of the Government, who he contended should either make larger concessions, or allow themselves to be displaced. A beneficial change from the present state of things, could only be effected by a strong Government. Whether Chartists required an agrarian republic—whether Whigs required place—or Tories power, one thing was certain, that the country required a Government. Unless they had a Government which could pass measures—a Government in nature, not in name (for who could pretend that the noble Lord

and his colleagues were a Government—what did they govern, or what did they administer?)—they could not expect the people to return to tranquillity. He was not ascribing this state of things to the personal faults of the noble Lord and his colleagues, but to the faults of their party. That state of things was the necessary consequences of a party which was opposed to the national institutions of the country. He did not so much accuse the Ministers of the Crown of attacking the institutions of the country, as of attacking the habits, manners, prejudices, and feelings of the people. Not a week passed in which some bill was not produced which outraged the prejudices of the nation. It was with views like these that he looked upon the present discontents, and it was with a mind occupied by reflections of this nature, that he considered them to be much more serious than his hon. Friends seemed disposed to admit. He was rendered the more alive to these dangers from seeing that the discontented portion of the people were without leaders. If a man of great and commanding abilities, of subtle mind, and of loose principles, appeared to stand forward as the instructor and the guide of the popular party, much of the existing discontent might be imputed to the influence of personal character; and when such a man disappeared, the great causes of popular commotion generally disappeared with him. The absence of this species of chief it was, which rendered the present feelings and sentiments manifested by the people in many parts of the country so much the more fearful, which imparted to them evidence of being in a far more inflamed state than if led on by an individual. A great portion of those who might be included amongst the discontented, were not men who could be reckoned on the fingers as those might, who had signed what was called the National Petition. There could be no doubt that a great section of the country—some three or four millions of the people—were under the influence of great discontent, and Parliament was about to prorogue, under circumstances which rendered it necessary that Parliament should be assembled. They had done nothing since they were called together. They had entered upon the business of the Session under circumstances of alarming colonial disturbance, and now they were on the point of separating, the whole nation was disaffected,

Mr. *Ewart* thought, that the hon. Member, in his stock of grievances, might have omitted the abolition of the ancient constabulary, who had gone to their political grave—the brethren of *Dogberry* and *Verges*. With one part of the hon. Member's speech he agreed, and that was, it was desirable to have a strong government—that it must be a government strong, not by coercion, by having enlisted in its favour the affections of the people. He deeply deplored that one of the characteristics of these times should be a division between the friends of a sound and rational reform. He regretted that the middle class of Reformers should be unhappily at variance with the more popular class, who seemed recently to have run wild—severing their connexion with those who might have guided them. He could not but lament, what seemed to be approaching, an isolation between the different parties, in which the extremes of wild liberalism drawing off on one side, and the high aristocracy on the other, the middle classes would be left alone. But he trusted that this would not be lasting, and that the spread of education would teach those who were disposed to violence, that it was not by a sanguinary movement that they could attain their end, but by a steady progress, founded on claims of substantial justice. Whatever wildness and enthusiasm might prevail, he believed there was some injustice at the bottom of it all; and where that was an ingredient in the condition of society, there could be no content. The real cause of discontent was the undue ascendancy of the landed interest, who had exclusive power in one House of Parliament, and a predominance in the other. He, for his own part, abjured violence, and hoped for improvements through the determination and energy of the really liberal part of the community. Believing the motion of his hon. Friend to be in accordance with these principles, he would give it his cordial support.

Sir *H. Verney* expressed his belief that the present disturbances had arisen entirely from the increase in the population not having been followed up by an adequate increase in that moral and religious instruction which the people ought to receive. These alone were the means by which peace and tranquillity could be obtained; and it was well known that in the disturbed districts sufficient moral and religious instruction were not afforded to the people,

He hoped, therefore, that the number of churches and chapels would be multiplied in the manufacturing districts, and that proper schools, for the education of all children, whether in connexion with the Established Church or Dissenters, would be established by the Government with as little loss of time as possible.

Mr. *Hume* rose amidst loud cries of "Divide." He thought that the hon. Baronet had misrepresented the cause which the people had for discontent. The truth was that the contest now going on was one between the aristocracy and the democracy. The laws were made by the aristocracy, and what was the consequence? Why, that they oppressed the poor, and favoured the rich. In this country it might be said that industry was unprotected and oppressed, and sure he was, that unless they gave the people a larger share in the representation than they now had, discontent must continue.

Mr. *W. Stanley* said, that he believed the present disturbances were owing to the conduct of certain parties in that House in connexion with certain other parties out of it. These parties pressed for alterations in the constitution which it would be neither wise nor safe to make, and it was because they were unable to attain their object that they set the people against the laws. This was the true way in which to account for the present state of discontent which existed.

The House divided on the original motion: Ayes 51; Noes 29: Majority 22.

List of the AYES.

Adam, Admiral	Macaulay, T. B.
Baring, F. T.	Mildmay, P. St. J.
Berkeley, hon. C.	Morpeth, Viscount
Bernal, R.	Palmer, C. F.
Broadley, H.	Palmerston, Viscount
Campbell, Sir J.	Parker, R. T.
Chichester, J. P. B.	Parnell, rt. hn. Sir S.
Dalmeney, Lord	Pigot, D. R.
Donkin, Sir R. S.	Praed, W. P.
Douglas, Sir C. E.	Price, Sir R.
Fitzpatrick, J. W.	Pryme, G.
Gordon, R.	Rice, rt. hon. T. S.
Henniker, Lord	Rolfe, Sir R. M.
Hinde, J. H.	Rumbold, C. E.
Hobhouse, right hon.	Rushbrooke, Colonel
Sir J.	Russell, Lord J.
Hodgson, R.	Rutherford, rt. hn. A.
Hoskins, K.	Seymour, Lord
Howard, P. H.	Shaw, rt. hon. F.
Howard, Sir R.	Smith, R. V.
Inglis, Sir R. H.	Stanley, hon. W. O.
Lushington, rt. hn. S.	Steuart, R.

Thomson, rt. hn. C. P.	Wood, Colonel
Thompson, Alderman	Worsley, Lord
Verney, Sir H.	
Waddington, H. S.	TELLERS,
Wood, C.	Stanley, E. J.
Wood, G. W.	Parker, J.

List of the NOES.

Aglionby, H. A.	Jervis, S.
Attwood, T.	Lushington, C.
Bridgeman, H.	Muskett, G. A.
Brotherton, J.	O'Connell, D.
Currie, R.	O'Connell, J.
Easthope, J.	O'Connell, M. J.
Ellis, W.	Scholefield, J.
Ewart, W.	Thornely, T.
Fielden, J.	Vigors, N. A.
Finch, F.	Villiers, hon. C. P.
Hawes, B.	Wakley, T.
Hector, C. J.	Warburton, H.
Hill, Lord A. M. C.	Williams, W.
Hindley, C.	TELLERS,
Holland, R.	Duncombe, hon. W.
Hutt, W.	Hume, J.

House in Committee of Ways and Means.
The annual votes were agreed to, the House resumed and adjourned.

HOUSE OF LORDS,

Monday, August 12, 1839.

MINUTES.] Bills. Read a first time:—Soap Duties; Metropolis Improvements; Stage Carriages; Bastardy.—Read a second time:—Assaults (Ireland); Constabulary Force; Admiralty Court; Slave-Trade Treaties. Petitions presented. By the Earl of Stanhope, from Vestrymen of Marylebone, and Inhabitants of Yeovil, for the Total Repeal of the New Poor-law Act; from Electors, and Rate-payers of the Metropolis, against the Poor-law Commission Continuance Bill; and from Inhabitants of Yeovil, against a Rural Police.

NAVIGATION OF THE SHANNON.] House in Committee on the Shannon Navigation Bill.

Lord *Ellenborough* thought that little effect would be produced by the bill upon the market of labour in Ireland, as not more than 80,000*l.* a year would be expended.

The Marquess of *Lansdowne* said, that while the public works would be beneficial, from the employment which they would afford as far as they went, there could be little doubt but that they would give rise to a great number of other undertakings, not under the control of the Government, and thus produce indirectly, a great additional demand for labour.

Viscount *Duncannon* wished to make an observation, with reference to a question put to him on a former evening, upon the subject of a new commission having been appointed to superintend these works.

A noble and learned Lord opposite (Lord Lyndhurst) had, on a former evening, read part of a letter, from which he inferred that this new commission was not in conformity with the recommendations of Sir J. Burgoyne. He would read to the House passages from letters of Sir J. Burgoyne, showing that his suggestions could not have been carried into effect without the appointment of a new commission. The noble Lord proceeded to read the passages to which he referred, and which confirmed his statement.

The Marquess of Lansdowne said, that it was entirely in consequence of the advice of Colonel Burgoyne that a separate commission had been appointed to discharge the functions which were to be performed under the present bill. To impose these additional functions on the Board of Works would be extremely injudicious, for that board had too much to do already.

Lord Lyndhurst said, that he would not oppose the bill, if the noble Viscount would assure him that Colonel Burgoyne would be one of the commissioners under the bill, that there would be but one paid commissioner, and the only other officer a paid secretary.

Viscount Duncannon assured the noble and learned Baron that this would be the case, and that no expense would be incurred for an office, inasmuch as an apartment would be provided for the use of the commissioners under the roof of the Custom-house.

House resumed; Bill reported.

METROPOLITAN POLICE COURTS.]

Upon the Order of the Day for the House to resolve itself into Committee on the Metropolitan Police Courts Bill being moved,

Lord Brougham objected to the principle of the measure, as conferring an entirely new jurisdiction upon the police magistrates. He alluded to the power which it was proposed by the bill to concede to them of trying parties on charges of what was described as petty theft, without the intervention of either a grand or petit jury, and of either inflicting a fine to the extent of 5*l.*, or sending the parties to prison for three months, with or without hard labour. Their Lordships never could pass this bill. He further objected to the 17th clause, which gave new powers to the Secretary of State to regulate the whole administration of the law in these

prisons, without being at all subject to the supervision of the judges. The 27th section was also most objectionable, which subjected any man, in whose house goods might be deposited without his knowledge, to be treated as a receiver of stolen goods. Was not this almost incredible? Nobody ever heard of so monstrous a law. He had objections to the other provisions of the bill, and he would certainly take the sense of the House upon them.

Viscount Duncannon observed, that with respect to the power given by the bill to the Secretary of State to remove police magistrates, he could only say that he believed, both in the report of the committee of this and the other House of Parliament, it was considered that some alteration was necessary to adapt the police-offices and police magistrates to the metropolitan districts. Therefore it was, that power was now proposed to be given to the Secretary of State to remove the whole of those magistrates on superannuations. It was only by some clause of this description that superannuations could be given, for under the present law there was no power to grant superannuations. It could not be supposed that the Secretary of State would, on his responsibility, remove the whole of the present magistrates. It was only intended to remove some of them, and to appoint others of a different class,—barristers, with salaries of 1,200*l.* per annum, an amount which could not be considered too much, when it is remembered, that their labours would be much increased, and still further increased by the Small Debts Bill, under which it was contemplated they should sit as judges, and which would be brought in next Session. With regard to expense, this bill enacted, that there should be only two, instead of three magistrates, at each police-office; and, therefore, if the number of police-offices remained the same, the proposed additional salary would not increase the present expense; but, owing to the increased population, it was proposed to add new districts, such as Kensington and Hackney, and thus increase the number of offices; in that case, of course, the expense would be greater than at present. On the subject of the alteration of the criminal jurisdiction of these magistrates, he was not able to enter into a discussion with his noble and learned Friend, and he must, therefore, leave that objection to be answered by his noble and learned Friend on

the woolsack. He would only repeat, that the bill was founded on the reports of two committees of the House of Commons, and, he believed, of one Committee of this House.

Lord *Brougham* wished to know if there had been any communication with the learned judges on the subject of the summary powers given to justices by this bill? Such communication ought to have been had. At all events, there was no need to pass this bill at present; it would be better to continue the old law, and have the question open until next Session.

Viscount *Duncannon* said, that the old law would not be sufficient, because the Metropolitan Police Bill, which had passed, completely altered the jurisdiction of the police magistrates. In support of the summary powers proposed to be given by the 25th clause, he would read an extract from a letter of an intelligent and able police magistrate, who said, that if the summary jurisdiction in the 25th clause was rejected or withdrawn, every petty case must be sent to the Central Criminal Court for trial. This would lead to a general outcry, for he ventured to predict, such was the increase of population, and, consequently, of petty offences, that there would be not less than 1,250 cases for trial every session.

House in Committee.

Lord *Brougham* said, his first objection was to the whole of the third clause. He must repeat, that the bill ought to have been brought in last year, for if the House of Commons had this Session voted money without the assent of the other branches of the constitution, or done any other act which called for a dissolution, the prerogative of the Crown in that respect could not have been exercised, because at that instant all the police-offices would have been shut up at once. This second clause authorized the appointment of 27 magistrates—the old ones to be got rid of by retiring pensions—and he could almost, from the quickness with which the clause had passed in the other House, tell the very persons that would be named.

The Lord Chancellor remarked, that at present the police magistrates held their offices during the pleasure of the Crown, and might at any time be dismissed altogether; that, however, was a course which no responsible Minister would wish to advise, and, therefore, the object was to get rid of officers, no longer fit to perform the

active duties of police magistrates, by giving them retiring pensions, and to secure active officers on the vacancies so created. The retiring pensions proposed by the third clause were not large; they were not to exceed two-thirds of the present salary, and it might be less; but if the clause was struck out altogether, the police magistrates at present in office must either be continued in office, whether fit or unfit, or they might be removed without any means of subsistence at all. This was a hardship to which they ought not to be subjected.

Lord *Lyndhurst* said, it was clear to him, from the phraseology of the clause, that much more was meant to be done than his noble and learned Friend opposite (the Lord Chancellor) contemplated. The framer of the bill evidently considered that, if it passed, these police magistrates would, *ipso facto*, be at once out of office, and that the Secretary of State might make a selection of as many of them as he thought fit, and complete the number of 27 from others, as he chose. That was the scheme and plan of the bill. Now, considering the time at which the bill had come up from the other House, was it not reasonable to ask to continue for another year the present system, which could be done by leaving out all the clauses but the first? The present magistrates might, under this clause, all resign on their retiring pensions; so that, if he pushed the point to the extreme, he might say the clause would lay an additional charge of upwards of 27,000*l.* per annum upon the public.

The Lord Chancellor thought, there was no danger of their all resigning on two thirds only of what they now received. He had always found that parties entitled to retiring pensions did not resign quite soon enough.

Lord *Lyndhurst* differed from his noble and learned Friend. These magistrates were confined from ten o'clock to four in the discharge of laborious duties, and if he was in that situation he certainly should get rid of the duty, and take two-thirds salary.

Viscount *Duncannon* remarked that they could not do that without the consent of the Secretary of State.

Lord *Lyndhurst* replied, that might be the case, but still he contended, that the existing system ought to be continued until next Session. If this bill really was founded upon the reports of the Commit-

tee of this and the other House of Parliament, it ought to have been brought forward at an earlier period, so that its provisions might have been compared with those reports, and the evidence on which they were founded.

Lord Brougham: When the money was voted by the House of Commons, 600 Members, at least, had gone away; in fact, it was voted by a House which hardly existed but by a bare quorum. If their Lordships consented to pass this bill, they could never complain of the lateness of the period at which any bills may be brought up.

Viscount Duncannon said the bill had been a long time before the other House, and he never remembered any bill to have undergone more discussion.

Lord Brougham: I beg my noble Friend's pardon. The bill got into committee in the other House only a fortnight since, and it was then discussed. The state of the House at that discussion was shown by the divisions upon it, which consisted of ten or fifteen to thirty Members.

The Committee divided on the third clause:—Contents 34; Not-contents 33: Majority 1.

List of the CONTENTS.

Argyll	DUKES.	Melbourne
Richmond		Mountford.
Somerset.		LORDS.
	MARQUESSSES.	The Lord Chancellor
Conyngham		Barham
Lansdowne		Colborne
Normanby.		De Freyne
	EARLS.	Dinorben
Clarendon		Foley
Devon		Gardner
Ilchester		Holland
Leitrim		Lilford
Minto		Methuen
Morley		Plunkett
Uxbridge.		Seaford
	VISCOUNTS.	Stafford
Duncannon		Stanley
Falkland		Sudeley.
Lismore		BISHOP.
		Peterborough

List of the NOT-CONTENTS.

Wellington.	DUKE.	Bathurst
Thomond	MARQUESSSES.	Beverley
Ormonde.		Liverpool
	EARLS.	Roden
Abingdon		Wicklow
Galloway		Rosslyn
Hopetoun		Harrowby
		Verulam
		Beauchamp

Glengall	Calthorpe
Falmouth	Redesdale
Ripon.	Ellenborough
VISCOUNTS.	Bexley
Hawarden	Fitzgerald
Canterbury.	Lyndhurst
LORDS.	Tenterden
Colville	Cowley
Sondes	Brougham
Boston	De L'Isle.

Clause agreed to.

On clause 25, giving summary jurisdiction in cases of felony,

Lord Lyndhurst strongly objected to this clause, and thought it impossible that their Lordships would agree to it. It was surprising how men's views had been recently let loose on the subject of the administration of justice. It was but in the last Session of Parliament that a liberal supporter of the Government in the other House introduced a bill to dispense with the mode of proceeding by grand juries, which had always been considered a great defence for her Majesty's subjects; and now, for the first time in the history of this country a clause was introduced into this bill to take away trial by jury in cases of felony—a thing never before attempted, not even in the worst times of the history of this country. Trial by jury was to be taken away, and the power of trying and convicting solely vested in an individual appointed by the Crown, and removable at the pleasure of the Crown. But this was not all; it was to be left to the magistrate to say whether he would try the prisoner or not; therefore, they would open the door to delay and partiality, and every species of mischief by adopting this clause. Furthermore, the magistrate was not obliged to decide in the first instance, he might proceed to the very verge of conviction, and just previously to conviction he might say to the accused—"Your case is of such a description that I will not decide it." And thus it would, after much delay, be sent to be tried in the ordinary manner. Such a combination of the violation of every principle which had hitherto been held sacred in the administration of criminal justice, he was persuaded, had been never before united in any one clause of any one bill. Yet such a clause was thrust incidentally into a police bill—a bill said to be founded on a report of a committee of their Lordship's House, but not following it in any one particular, and on a report of the committee of the other House, but not following it in any one

particular. He knew, that it was said in support of this clause that the principle was only to be applied to trifling matters; but if the principle were once adopted, they would not be able to say where it would end. He would take the liberty to refer to a grave authority on this subject, whose opinions were correspondent with his own. He quoted from Mr. Justice Blackstone, one of the highest authorities that could be quoted, who said, speaking of trial by jury:—

“The liberties of England cannot but subsist so long as this palladium remains sacred and inviolate, not only from all open attacks (which none will be so hardy to make), but also from all secret machinations, which may sap and undermine it, by introducing new and arbitrary methods of trial, by justices of the peace, commissioners of the revenue, and courts of conscience. And however convenient these may appear at first (as doubtless all arbitrary powers, well executed, are the most convenient), yet let it be again remembered, that delays and little inconveniences in forms of justice are the price that all free nations must pay for their liberty in more substantial matters; that these inroads upon this sacred bulwark of the nation are fundamentally opposite to the spirit of our constitution; and that, though begun in trifles, the precedent may gradually increase and spread, to the utter disuse of juries in questions of the most momentous concern.”

Upon that principle, he should propose the omission of the clause.

The Earl of *Devon* said, that as under the present state of the law, persons might be committed to prison for four or five months before trial, it would be an act of justice to them, to have their guilt or innocence decided at once, without waiting so long in gaol; and that as persons might now be summarily convicted, even for going into a garden and pulling up a carrot, or for taking an apple, it would only be consistent with common sense, that summary jurisdiction should be given to magistrates in other trifling cases of theft.

Lord *Brougham* said, this was a monstrous proposition. For the first time since England had been England, was that House called upon to make a great change in the law—to give power to try felonies to a single magistrate, without a jury—a single justice of the peace appointed by, and removable at, the pleasure of the Crown. Why, even if it were fitting at all to introduce this extraordinary change, still it would not follow that it

was fitting to introduce it in this manner, and at this time—that was to say, in the shape of a clause in a local act which the Metropolitan Police Courts Bill certainly would be if it passed, and at the end of a very long Session. He denied that his noble Friend who had just spoken, had made out any case at all to justify the change. It was true, that the Common Law Commissioners had recommended summary jurisdiction, but they confined it to cases of juvenile offenders, and they also limited the amount; but this clause was unlimited, for although, from the words of the margin, it might be imagined to extend only to petty thefts, the words of the clause were, “Any chattel, money, or valuable security.” What would be the result of conviction? Not merely a penalty of 5*l.*, or three months’ imprisonment, with hard labour, but supposing he was charged before a single justice with taking a chattel worth 5,000*l.*, without going to a jury, that single justice might inflict not only the penalty of 5*l.*, but the value of the chattel, and thus a man might be ruined by the single justice, without being tried by his peers, and stamped as a felon for the residue of his days. Was it not monstrous that such a clause should be introduced into this bill, without that discussion which it would have undergone at an earlier period of the Session in that House and elsewhere? But most probably indeed for the object of those who introduced it, had it been introduced experimentally, as part of the plan for totally altering the entire criminal law, and utterly abolishing trial by jury. Was ever mortal man so bewildered as his noble Friend, in trying to prove from Sir R. Peel’s bill, that there was some reason for this change? Sir R. Peel’s bill gave summary jurisdiction in cases of wilful trespass; but his noble Friend saw very little difference between felonies and trespasses. A line must be drawn somewhere, and it did not follow, when a line was drawn, that there were not inside the line on both sides, great differences and degrees, and that there was not a substantial difference between a felony and a trespass. But his noble Friend contended, that because stealing apples in an orchard, was summarily punishable by Sir R. Peel’s bill, there was no reason why magistrates might not try every case of larceny and felony. Such a power, as his noble and learned Friend

(Lord Lyndhurst) had justly said, would be most dangerous to the subject. It would not necessarily secure speedy justice; for, after hearing all the witnesses at the eleventh hour, in the twelfth hour the justice might say—"Upon second thoughts, I shall send this case to a jury." So the case must after all go to the grand jury, and then before the petty jury, and the accused must there be tried, after having been once, all but tried already. He could not think it possible, that their lordships would submit to this clause, even if they could command a no greater majority, than a majority of one against it. He could not conceive what possible reason there was for introducing this proposition this year, or why it could not even be deferred till next Session, for more searching discussion and mature deliberation. Never let it be said, that their Lordships had agreed to abolish trial by jury in cases of felony, and in such circumstances, and at such a period of the Session.

The *Lord-Chancellor* said, no one was less disposed than he was to abolish trial by jury, or to do anything approximating to it. But he would take the liberty of warning noble Lords, lest they did injustice to the very principle they wished to maintain. At the same time, he must say he thought the clause was larger in its terms, than its object required. Any one acquainted with the operation of the criminal law, must be aware that it was a great hardship for a man to be subjected to a long imprisonment before his trial, particularly when committed for some trifling offence. It would be much better for him to be subjected to summary punishment before a magistrate. There was no one who saw what took place every day, but must feel anxious to remedy evils of that description, if it could be done without detriment to the due administration of justice. Two modes were proposed: one was to limit the jurisdiction with respect to the value of the thing stolen—a very bad test, because the circumstances under which thefts were committed, greatly varied. The other mode, which he confessed appeared to him to be a better mode, was to make a limitation with regard to the age of the offender. Under all the circumstances, he suggested that the clause should be allowed to remain, and that some limitations might be inserted in a future stage of the bill.

Lord *Brougham* said, the remarks of his noble and learned Friend were applicable, perhaps, to every other place in the country, but certainly not to London, where only the bill was to operate; for in London, no man could ever remain a fortnight untried, because the sessions of the Central Criminal Court, when they finished in one week, commenced again in a week after, or ten days, or, at the outside, in a fortnight. Therefore, in London, there was not a shadow of a chance of that mischief occurring, to remedy which, his noble and learned Friend on the woolsack, supported this notable clause, the extent of which, he believed, he was not aware of, or he would not support it.

The committee divided on the clause:—Contents 31; Not-contents 34: Majority 3.

Clause lost.

On clause 26,

Lord *Brougham* objected to its provisions as being contrary to the fundamental principles of jurisprudence. Those principles might be wrong, but they ought to be well considered before they were altered. It was also, he thought, highly improper to make that felony in London, which was felony in no other part of the country. At so advanced a period of the Session, there was no time to give this subject the attention which it deserved. He should propose that the clause be struck out.

Clause struck out.

Clause 27 having been read,

Lord *Brougham* said, this clause was consequent upon the former, and it was therefore necessary that it should be struck out.

Lord *Lyndhurst* said, that by this clause any person in whose house any article of stolen property was found, might be brought before a magistrate, and if the owner of the house could not show that it came into his house in a lawful manner, the magistrate was bound to convict him of a misdemeanour. There might be no proof that the owner knew anything of the article having been stolen, or that he knew of it being in his house, yet, if he could not show before the magistrate, that it had come lawfully into his dwelling, the magistrate was bound to convict him. That was a power, certainly, which ought not to be granted without restrictions. He should not, however, propose to strike

out the clause altogether, and he would suggest that it be amended on the report.

Clause to stand.

Remaining clauses were gone through. House resumed—Bill to be reported.

SALE OF SPIRITS (IRELAND).] Viscount *Duncannon* moved the second reading of this bill. He understood that there was one clause in the bill to which some objection would be made, but he hoped that their Lordships would allow the bill to go into committee.

The Earl of *Wicklow* certainly would not allow the bill to be read a second time, without calling the attention of their Lordships to the clause to which his noble Friend had alluded. With regard to the bill generally, he had no particular objection. The history of the clause was this:—There came up last Session to their Lordships' House, a bill containing the clause to which his noble Friend had referred; but when it came there, no individual Member of the House could be found to move the second reading, and it therefore fell to the ground. The object of that bill was this—to repeal a bill which some time back the Government passed into a law, for they had considered, and very properly considered, that a power given to the grocers to sell spirits by retail, must lead to immoral and improper practices. Yet, notwithstanding that, because a certain individual of great influence with Her Majesty's Ministers, who wished to keep well with the lower portion of grocers in Dublin, pressed the measure, the bill was allowed to pass through the House of Commons. That bill, however, having failed last Session, it was re-introduced this Session into the House of Commons, but the hon. and learned Gentleman could not get the bill read a second time, and he had therefore prevailed upon the Government to let him ingraft a clause upon the bill now before the House, in order to carry into effect the objects which he had in view. The bill originally introduced by the Government, contained no such clause, and he had the bill in his possession, which the hon. and learned Gentleman had tried to pass, which was exactly in accordance with the clause to which he had referred. He looked upon this as a gross fraud and imposition on the part of the Government, and he really thought that their Lordships ought to refuse to give a second reading

to the bill, in order to make an example of those who brought in the bill, that they might impose upon their Lordships.

Viscount *Duncannon* said, that when his noble Friend talked of making an example of those who brought in the bill, he must make an example of the public, for it was for their benefit that it was brought forward in the Commons. He really thought it would be a very hard case, if their Lordships should do what his noble Friend called on them to do, for the sake of making an example of particular individuals, and he hoped the House would allow the bill to go into committee.

Bill read a second time.

SHEEP-STEALERS (IRELAND).] Viscount *Duncannon*, in moving the second reading of the *Sheep-stealer's (Ireland)* bill, said, that since the bill was first brought before the House, he had made some inquiries into the subject, and he found that the proposed enactments were not exactly the same as those which were repealed by Sir R. Peel's Act. The present bill was much amended, and was intended to protect the poor people in mountainous districts, who had no means of finding out those who stole their sheep, except through the medium of some such process as that detailed in the bill.

The Duke of *Richmond* observed, that the bill was extremely badly drawn up, but that defect might be altered in committee, and he should therefore offer no objection to the second reading on that ground. He did not, however, see any sufficient reason why there should be a different law for sheep stealing in Ireland, from that which was in force in England. The law formerly in force relative to sheep stealing, was repealed when Sir R. Peel consolidated the criminal law, and repealed after a great deal of consideration; and he wanted to know why that law should now be re-enacted in Ireland, with very little consideration at all?

The Earl of *Wicklow* would always be willing to do what he could to assimilate the law in both countries; and if this were a good law, which he thought it was, he should be happy to do all in his power to get it extended to England. The law was very necessary in that part of the country with which he was connected. The evil of sheep stealing had increased so much, and it was so utterly impossible to detect the stealers of sheep at present,

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that unless some such measure as this was passed into a law, the farmers of the country must give up the feeding of sheep altogether.

Bill read a second time.

HOUSE OF COMMONS,

Monday, August 12, 1839.

[MINUTES.] Bills. Read a first time :—Corporate Property (Ireland); Exchequer Bills (12,056,050*l.*); Consolidated Fund.—Read a second time :—Administration of Justice (parts of Counties).—Read a third time :—Rogue Money (Scotland); Militia Pay.

Petitions presented. By Captain Alsager, from Merton, against the Sale of Beer Act.—By Sir W. Somerville, from the Mechanics Institution, Drogheda, against the Bank of Ireland Monopoly.—By Mr. Shiel, Lord Morpeth, Lord J. Russell, and Mr. O'Connell, from several places in Ireland, in favour of Municipal Reform, and praying the House to reject the Lords' Amendments.—By Mr. M. Phillips, from Licensed Victuallers of Manchester, Bolton, Blackburn, and other places, against the Excise Licenses (Sale of Spirits) Bill.

SEDITIONOUS PETITIONS.] Mr. Fielden presented a petition from the Cobbett Club in London, praying for vote by ballot, universal suffrage, annual Parliaments, and the payment of the people's representatives. The petition was couched in rather strong language, and the hon. Member, in reply to a question from the Speaker, refused to make himself responsible for the language it contained, but suggested, that it might be read by the clerk at the Table, when the House might judge for itself, whether it would receive the petition or not.

The petition was read by the clerk. Amongst other such expressions it stated, that if the measures already enumerated were carried, the legislation of the country would be no longer conducted by "arrogant boobies and overgrown school-boys."

On the question, that it do lie on the Table,

Lord J. Russell said, that he should oppose the reception of the petition. The language it contained was not only disrespectful, but called upon the House in a threatening manner to pass certain measures.

Mr. O'Connell thought it was not worth while to reject the petition: they could afford to laugh at it.

The Attorney-General felt he was called upon to rise and state, that in his opinion the petition ought not to be received. It appeared to him, that the tendency of the petition was to excite to a breach of the

peace. If it were not a petition it would be a seditious libel. The House of Commons were, of course, ready to receive the complaints of the people, but they certainly ought not to receive them accompanied by any threat.

Mr. P. Howard observed, that the reception of a petition amounted to admitting, that the petitioners had assumed a legitimate and constitutional course. To allow the present petition to remain on the Table, would be a tacit sanction of the conduct of the petitioners.

Sir R. Inglis said, that the petition was an impudent and deliberate attempt to ascertain what extent of insult the House of Commons would bear. He fully concurred in thinking, that the petition ought not to be allowed to lie on the Table.

Mr. Fielden could not discover that the petition contained any threat. The petitioners stated what had been done by bygone Parliaments.

Mr. Shaw agreed with the hon. and learned Gentleman opposite, (the Attorney-general) as to the seditious character and tendency of the petition.

Petition rejected.

MUNICIPAL CORPORATIONS (IRELAND)—LORDS' AMENDMENTS.] Lord John Russell moved the Order of the Day for the consideration of the Lords' Amendments on this bill.

Mr. O'Connell begged to ask the noble Lord if the report was true, that more troops had been withdrawn from Ireland?

Lord John Russell said, it was true. His noble Friend at the head of the War Department, had been in communication with the Commander-in-chief of the forces in Ireland, who informed him that if there was any necessity for it, he could readily spare more troops, and another regiment had been sent for. The noble Lord then said, that in moving the adjournment of the consideration of the Lords' Amendments in the Municipal Corporations (Ireland) Bill to this day, he had stated at the same time, that it would not be advisable to take objections to the bill on the question of privilege, and send it back on that ground to the House of Lords. The only other course which remained, was to bring in a new bill, either now or at the commencement of the next Session of Parliament. He thought there were very

strong objections to bringing it in at the present period. It was a very complicated and voluminous measure, and several clauses had been inserted in the House of Lords, with regard to the effect of some of which he was not positively able to form an opinion. Besides, the absence of a great number of Members on both sides of the House, who had taken a leading part in the discussions, made it unadvisable to introduce a new bill at the present moment; and as he did not propose therefore to introduce a new bill this Session, it would be extremely inconvenient to discuss the particular clauses or provisions of the bill which it might be afterwards deemed proper to introduce. With respect to the question of privilege, he did not think, that it formed in this instance an objection so important, or that it referred to clauses of so essentially important a character, as to be necessarily fatal to the bill; and they might at all events be provided for in another bill. With respect to other parts of the bill, he thought they might be able to come to some agreement as regarded some of the amendments made by the other House; while in reference to others of those amendments, there might still remain some difference of opinion. But on the whole, he entertained a strong hope, that before a long period of the next Session had elapsed, they might be able to frame some measure by which the anomalies and disadvantages with regard to the existing corporations in Ireland might be done away with. The noble Lord concluded by moving, that the amendments be taken into consideration that day three months.

Mr. Shaw had understood the noble Lord to say on a former occasion, that, assuming the House was not disposed to differ from the amendments proposed by the House of Lords, in order to get rid of the question of privilege, he should introduce a new bill, either during the present, or at the commencement of the next Session of Parliament. It appeared, that the noble Lord had decided to postpone the introduction of any measure to next Session, and to that purpose he did not object. He agreed with the noble Lord, as to the impolicy of entering into any discussion of the subject at present. But there was one single point on which he wished to set himself right. It appeared from what had passed on this subject a

few nights since, that his hon. Friend the Member for the University of Oxford, and the hon. and learned Member for Dublin, had both assumed, that he had a peculiar favour for this bill. Now, the contrary was the fact. He was desirous of the abolition of all the existing corporations in Ireland, without adopting others in their place. He believed, that it was impossible, that the cities and towns in Ireland could be well regulated by such institutions, while party spirit existed to the extent it did at present, and he was the more convinced of this, from the exhibition of party spirit which had taken place at the recent elections of guardians under the Poor-law Act. But as regarded the present bill, believing, that the leaders of the Conservative parties in both Houses, had agreed to the terms of settlement as it now stood, he had waived his own sentiments in deference to theirs, and was prepared to yield to it, rather than allow matters to remain in their present unsettled state—the cause of constant alarm and annoyance.

Mr. O'Connell: I am now quite convinced, as the right hon. Gentleman has taken the trouble to repeat it in the course of his speech, that he is an enemy to the present bill; but, I must say, that the right hon. Gentleman has taken rather an odd way of shewing his dislike to the measure by endeavouring to persuade the noble Lord to accept it. With respect to the exhibition of party spirit which the right hon. Gentleman complains of being exerted in the election of Poor-law guardians in Ireland, I am quite ready to discuss that question, and I am ready to show, that while the popular party generally returned Protestants to serve as guardians, the anti-popular party had not returned one Catholic. The party spirit to which the right hon. Gentleman referred is thus fostered by the non-grant of corporate reform. I am glad, however, to understand, that both Houses are agreed as to a basis of corporate reform for Ireland. I am quite ready to suppose, that the Conservative party in both Houses are agreed, with one or two exceptions, to support this bill, because there could not be a worse bill than it is in its present shape. Why should it not be similar to the English bill? The people of Ireland demand a bill similar to the English in every respect. A majority in this House will grant such a bill. A majority in the

other House will reject it. But their conduct would not be less unjust on that account, less injurious, less oppressive to the people of Ireland, nor less a violation of the legislative union between the two countries. The hon. Member for Finsbury, in his farewell speech for the Session, enumerated twelve grievances which remained unredressed, and for withholding which, he considered the people of England and Scotland had strong grounds of complaint. I voted for that motion of the hon. Member for Finsbury, although he did not say one word for Ireland. The hon. Member said, that all reformers were agreed on demanding the redress of the grievances of which he complained, and in blaming the conduct of this House. I think the hon. Member wrong in attributing to this House the blame of having refused to repeal the Corn-laws. The Chartists did not ask for a repeal of those laws. On the contrary, one of the great faults of the Chartists is allowing themselves to be carried away by their leaders to oppose a repeal of those laws. I, therefore, think the noble Lord was quite right in throwing off the charge against this House in so far as regarded that question. But how could they justify their neglect of Ireland? I am as free as any man to admit, that there has been great amelioration in the conduct of affairs in Ireland. The executive Government in Ireland has done everything in its power to promote peace and tranquillity, and to satisfy the people. But our first complaint against the Reform Bill is, that you passed the Coercion Bill, and that you began by treating us not only in a contemptuous, but in a despotic manner. We may be ready to forgive your conduct at that time—we can never forget it. Our next complaint is, that the Legislature which passed the Reform Bill for England did not concede the same franchise to Ireland. And there is not the least prospect of any amelioration of the Irish Bill, not to speak of its assimilation to that of England. Nineteen only of every hundred of male adults possess the franchise in England. Five out of every hundred enjoy it in Ireland. This percentage, too, is not made up of the voters in counties, but of the freemen in cities; so that, looking at the electoral strength of Ireland, as confined to the counties alone, it does not consist of one per cent. of the adult male population. Can any man say that the two countries

are under the same Government? And what prospect is there that this state of things will be changed? Though a majority of this House may be disposed to do us something like justice, all your efforts will be frustrated by the other branch of the Legislature. I do not believe that this country was ever visited with an aristocracy so disposed as the present to carry nothing for the benefit of the people, to reject every measure having such a tendency, and to exercise oligarchical tyranny in a manner unknown to England, and never experienced in any country, except by the state of Venice, in the decline of its power and authority. Though the oligarchical power may be growing stronger and stronger, the aristocracy of England is greatly mistaken if it suppose that a reaction is not at hand. It is impossible that the rational people of this country can submit much longer to the absolute and unlimited control of those who are under no responsibility, and who are acted upon by no popular influence. What is the situation in which Ireland now beholds herself placed? You can do nothing for her. You first restricted the franchise, and the measures which you have passed of late years only aggravate that evil. The Poor-law tended to diminish still further the small number of voters in the country, and the Municipal Bill, from which some extension of the suffrage might be expected, does not counterbalance the loss which she has suffered under the former bill. But what am I saying? You have given us no corporate reform. For the first two years the proposal of the opposite side was, that all the corporations of Ireland should be annihilated. Having admitted that their continuance can be no longer justified, for the last two years they have substituted a plan for continuing them under another shape. And the last bill is the worst of the two which have been brought forward; for in a clause not printed by the House of Lords, but introduced on the third reading, the old nominated burgesses are to be continued in the small towns; and in the larger towns, instead of giving the freemen the franchise, according to the English bill, every person who chooses to claim the right, though he may not have it, will be admitted. During the present Session I asked for leave to bring in a bill to put the Irish and English franchise on the same footing. How was my proposal

met? Was I supported by the Government? The noble Secretary for Ireland opposed me. He did so, as is the noble Lord's custom, with courtesy, and in no disparaging spirit, towards the country to which he refused this boon. It was opposed by the other side in the way in which anything favourable to Ireland is received by them. But neither party was content to grant us any relief, and thus I was compelled to abandon my plan, and the Session has now passed away without any benefit being obtained for Ireland. And has Ireland deserved this treatment? When was Ireland so tranquil, when were offences so few, when was peace so easily preserved? The right hon. Gentleman tells us that there are 8,000 police in Ireland. This is certainly no great discovery, seeing that there have been 7,000 there these twenty years; but with these 7,000 there frequently were 20,000, 30,000 and 40,000 soldiers. Now, 7,000 or 8,000 are all that are necessary; and if the constabulary were so arranged as to be able to afford guards for the gaols, you might take away 5,000 troops to-morrow without endangering the public peace, or in any way injuring the public service. This is the state of Ireland, and how is she recompensed for it? In what way is encouragement given to the people of Ireland to manifest a spirit of allegiance and attachment to the Throne? Is this House willing to take such a course? The majority of this House may be inclined to do something, but the moment you proceed to give effect to your wishes you will be stopped by the House of Lords. We are thus treated with contumely, and almost with contempt. But though we have no prospect of altering this state of affairs, do you imagine that eight or nine millions of people will sit down quietly in despair? You are totally mistaken if you do. When the people of Ireland see that the Legislative body, so far removed, is occupied with other concerns than their affairs, and is divided by party; when they see that sectarian bigotry, the characteristic feature of English Toryism, which pervades the land, manifests itself in public discourses, and shows itself in the votes of this House (as the Education question demonstrates, beyond the possibility of rational denial), who is to blame them if they look to what you may consider impossible, to what I know to be difficult, but to what I deem ultimately and certainly practical—the

restoration of their own Legislature? I am aware I am open to derision for making that prophecy; but I know what are the materials for working it out. What chance have we of better treatment under the present state of things? See how strong the Tory party is becoming. When they are reinstated in power, can you send away regiments from Ireland? Instead of having troops to spare for Canada, and for putting down the disturbances in England, you will have to send more regiments over to keep the peace in Ireland. It is but three nights ago, according to accounts to which it is perfectly legitimate to refer, that the abominable and horrible practice of packing juries obtained the sanction of the other House of Legislature. It would be necessarily adopted again by a Tory administration, were it to resume power. Specimens of the most extraordinary ignorance have certainly been given by the newspapers, in the speeches which they have published as having been delivered in a late debate. To one speech, in the *Morning Chronicle* they have attached no less a name than that of Lord Brougham; and it does not appear from it that the noble and learned Lord was aware, that the right of peremptory challenge was taken away so long ago as the reign of Edward 1st. It was there enjoined, that the Crown should challenge no juror without assigning a cause, to be decided by the judge. But this law has been ever since evaded. How? Why, the judges who, in every era of our Constitution, have stood by power, authority, and oppression, and who never showed themselves friends of the people, instead of allowing counsel for the Crown to challenge jurors (which the law prohibited) have said, "You may set them aside," and thus, by altering the words of the Statute, they have in effect repealed it. And since that period, the Crown has continued to avail itself of the power of setting aside jurors. In England, it has been used with moderation and caution; and in latter years it has never been complained of. Public decency was never outraged in England by the exercise of that privilege to the extent that it has been in Ireland. In the speech to which I have alluded, the *Morning Chronicle* makes Lord Brougham say, that the Crown never exercised the right of challenging in cases of misdemeanour. Heaven help the man? He gave in this statement

the strongest proof of his ignorance ; for in the case of Dr. Sheridan, the Catholic delegate, the right had been exercised to this extent, that no less than sixty-three of the first merchants in Dublin were set aside. And when the second delegate was put on his trial, it was proved that, in order to avoid the indecency of again challenging the jurors, the list was sent to the Castle, and the names transposed by Sir Charles Saxton, in such a way as to meet his wishes. This fear of openly setting aside jurors ; this kind of "tribute which hypocrisy paid to virtue," though a most unjust and grievous proceeding, admitted the impropriety of the practice adopted on the first trial. I have myself seen jurors constantly set aside by the the Crown. I have remonstrated out of court with Mr. Barrington, the solicitor of the circuit on which I went, on this course. His answer was, "I only follow the advice of counsel, who says I must do so and so, and I perform my duty accordingly." And certainly no man ever did his duty more properly than the Crown solicitor of the Munster circuit. And here I must allude to an attack which has been made upon one of the best judges that ever sat upon the bench. I am safe in saying so, though he is a personal friend of mine. He is a man who has won the good opinion of every one. He is a judge who dispassionately hears whatever causes come before him, and deliberates upon it fully. He makes no exhibition of flippant harlequinade. He has no wish to parade himself—no affectation of mixing the law which he understands, and which some other judges do not, with a variety of topics having no connection with the case upon which he is called on to adjudicate. He neither makes the tribunal over which he presides an object of ridicule, nor himself, as a judge, an object of contempt. He never hunted for place so ardently as to seek it from opposite parties. He was a young man when Lord Castlereagh was in office. He never asked the man from whom he differed in politics for promotion, as the reward of his public services. He never sought a chief-baronship, or any other office, from those opposed to his views. Why, if one wished to point out contrasts between judges, I don't believe that a more powerful one could be presented than in the conduct of my hon. and learned Friend, Sir M. O'Loughlen, and that of a late Chancellor,

whom I had once the misfortune to see on the bench in this country. The entire profession are unanimous in the praise of Sir M. O'Loughlen as a judge ; and if there be anything which distinguishes the upright discharge of his duty more than another, it is total absence of that vulgar and sectarian prejudice which has been charged upon him in his absence. He is one, too, who would reject with scorn the miserable and paltry expedient of pandering to any prejudice by levelling against any man unheard, so abominable a calumny as that which has been levelled against him. This is not the place to reply to the speeches which have been published by the newspapers of that debate ; but I don't recollect anything so tarnishing the administration of justice to have occurred of late years, as the foul attempt to calumniate that excellent person. And on what was this calumny grounded ? On the fact, that Sir M. O'Loughlen wished to get rid of the scandalous practice of packing juries. He desired that the sources of justice should be pure, and that the victim of the law should not be the martyr of party. I ask any Gentleman in this House, whether there is anything which so disposes the people to illegal violence and dissatisfaction and disloyalty, as the supposition that trials instituted for the punishment of the guilty and the protection of the innocent should be contaminated by party strife, and become the victory not of justice and truth, but of party malevolence ? It was for endeavouring to put an end to such scenes that Sir M. O'Loughlen was calumniated. Here is the letter for writing which, sentence has been pronounced against him :—

"It is not my wish that you should exercise the privilege of setting aside a juror, except in cases in which a juror is connected with the parties in the case. You will not set aside any juror on account of his political and religious opinions ; and you will be pleased, in every case in which you may consider it necessary to set a juror aside, to make a note of the objection to him."

The right of challenge, let it be recollected, still exists, where the least bias can be shown ; for the juror must, in the language of the law, stand indifferent as he stands unsworn. All Sir M. O'Loughlen insisted on was, that religious belief should not form a ground of objection. And is there a man in this or in the other House who will say that a juror, who is unconnected in any way with the parties

in a cause, and cannot be supposed to be under any improper influence, should be set aside purely on account of his religion or politics? I should be glad to see the man who had the audacity to make such an assertion in any English assembly. What! set a man aside for his religious opinions! Say to one man, stand aside because you are Protestant—to another, stand aside because you are a Presbyterian—to a third, stand aside because you are an Unitarian—and to a fourth, stand aside because you are a Papist! What is this but to introduce a miserable conflict into a court of justice? And yet the other House of Parliament has solemnly recorded a vote, condemning a man who maintains that religious feud and political animosity shall not pollute the temple of justice, and that no jury shall be packed, and no jurors set aside without some ascertained cause. What a frightful prospect does the restoration of Gentlemen of the other side present? Then the old system of packing juries would be again called into existence. You must in such cases send regiment after regiment to preserve the peace, which is now secured by the confidence of the people in the Government. And heaven knows the poor people are not without provocation to violence. One noble Lord (the Earl of Courtown), the other day turned fifty-three families out of their homes and off his estate. Not a farthing of rent was due to him. The tenants were ready to secure him the highest value of the land. This offer had no effect. This large number of people were turned out on some dreary and deserted common, without a morsel of food to sustain, or covering to shelter them. They intended—God help them!—to resist. Seeing their houses torn down, and themselves thrown on the world, without a refuge, is it wonderful that they should be driven to distraction? Their priest interfered, and assuaged their anger. They promised him to bear their wretched lot with quietness, and they are keeping their promise. But are you surprised at disturbances when such is the treatment of the people? Can you not suppose it possible, that the people would rush into any association which promised them some defence for their holdings? Do you not think that they may even be induced to join the Riband Society, of which we have heard a great deal, but of which nobody can say what it means.

The only rational thing about the Riband Society is their nomination of me to a high office. But I am sorry to say, that all my forces disappeared as I run my eye through the evidence. Mr. Rowan arranged a foul conspiracy in his own mind, but it disappeared like an idle dream the moment the tangible tests of date, party, and place were applied to it. Though month after month was spent in this foolish inquiry, so far from establishing that property was insecure and life unsafe under Lord Normanby's government, it proved directly the reverse. I am glad of the exhibition on that account; but I confess I tremble at the thought of persons, in the confidence of the assembly which instituted that inquiry, could in any way agree to hold the reins of power in this country. There may be many things disagreeable in the position of Ministers; and not the least is the unreasonable urgency of their Friends. But they have a great duty to perform. They have to preserve Ireland to the Crown of our gracious Sovereign, God bless her. I, therefore, hope that they, at least, will not desert the responsible position in which they are now placed. Though I see nothing done for my country—though those who assert her rights may be treated with ridicule much more than respect—I do not feel the least apprehension, or the smallest tendency to despair. I know how the public mind in Ireland is concentrated not on the maniac movements of the Chartists, but on a determination to obtain her rights. And here let me ask you, if Ireland had chosen to encourage Chartism—if the people had appeared in arms at different places—and if they had talked of the torch and the dagger—what security would the proudest amongst you have at the present moment? I don't mean to terrify nor even to threaten, but the stoutest heart might well be alarmed if the Chartist violence gained that firmness and courage which a reinforcement from Ireland would naturally impart. I rose to protest against the manner in which this country treats Ireland. I rose to declare that we demanded not what this aristocrat or that may be pleased to assign us, but the common privileges of Englishmen. I think the noble Lord ought to distinctly meet the question of freemen next year; and if the other House think fit to reject this proposal, on them be the folly and crime of such a course. I call for the English franchise,

Viscount *Morpeth* did not mean to go into the question of the Poor-law; but, in answer to the statement of the right hon. Gentleman (Mr. Shaw), he thought it right to say, that though, undoubtedly, in some instances, there was an exhibition of party feeling with regard to guardians (which was inevitable in such a state of society), yet the general proceedings by no means justified the imputation of a partisan or sectarian spirit. This was the opinion of those actually engaged in the administration of the law.

Sir *W. Somerville* expressed his deep regret that this bill was still further delayed. Notwithstanding what was said on the opposite side, he knew that the loss of this measure would excite a deep feeling of disappointment. He deprecated party-spirit in the administration of the Poor-law, but violent proceedings were not confined to one side.

Mr. *Shaw*, in explanation, begged to state that he had not asserted that the Poor-law guardians of Dublin were not persons of respectability; what he said was, that their election was governed by a violent and angry party spirit. With respect to what had been said by the hon. and learned Member for Dublin in reference to the Earl of Courtown, he requested the House to suspend its judgment until he had the opportunity of explaining the circumstances to which the hon. and learned Gentleman referred, and of which he had as yet heard nothing.

Motion agreed to.

Consideration of the amendments put off for three months.

COLLECTION OF POOR-RATES.] The Poor-Rates Collection Bill was read a third time,

Mr. T. Duncombe moved to add a clause to exempt parishes with local acts from the operation of the bill.

Lord *John Russell* must oppose the clause upon the ground that it would go further than he contemplated, when he stated that he did not mean the bill to extend to parishes with local acts.

The House divided on the question that the clause be read a second time: Ayes 21; Noes 45: Majority 24.

On the question that the bill do pass,

Mr. *T. Duncombe* said, that he should oppose the motion. He thought of all the breaches of faith ever committed, the conduct of the Government in the present

instance was the most outrageous. The parish of St. Andrew's, Holborn, ten years ago, obtained at an expense of 3,500*l.* a local act for the management of its parochial affairs. The noble Lord had more than twice or thrice declared that no local Act would be affected by this bill. He believed the noble Lord made that declaration in good faith; but he also thought that those who drew the bill did it in the dark, against those parishes having local acts. This he had since found out to be the fact, and he now again asked the noble Lord to keep faith with those parishes, and not violate the pledge he had given to them.

Mr. *Hume*, considering with his hon. Friend that this was a direct breach of faith in the face of the House, though that the measure ought not to pass; and if his hon. Friend should divide the House he would vote with him.

Lord *J. Russell* observed, that if he had ever said that he would agree to a clause enacting that this bill should not effect any parish in which there existed a local act, and now opposed it, then the hon. Gentleman might with justice accuse him of a breach of faith; but he had never said anything of the sort; therefore, he knew not why he should be bound to vote for the clause which had been proposed. When he was asked whether this bill would affect any local acts, he answered that it was not his intention to affect those parishes; and he now declared that in introducing this bill he never intended thereby to apply the New Poor-law Act to parishes having local acts. But that declaration did not bind him to accept any form of words to be introduced into the bill which any Gentleman might frame. How his conduct on this occasion could be said to be a breach of faith he could not conceive.

Viscount *Howick* understood his noble Friend merely to have pledged himself that this bill should not be the means of introducing the Poor-law into those parishes which were not yet under the operation of that law; but his noble Friend never assented to introduce a clause excepting those parishes where there were local acts for the collection of poor-rates merely.

The House divided.—Ayes 37; Noes 18: Majority 19.

List of the AYES.

Baring, F. T.
Bernal, R.

Briscoe, J. I.
Broadley, H.

Bryan, G.	Praed, W. T.
Callaghan, D.	Price, Sir R.
Cowper, hon. W. F.	Pryme, G.
Eliot, Lord	Redington, T. N.
French, F.	Rice, right. hon. T. S.
Grey, right hn. Sir G.	Rolfe, Sir R. M.
Hobhouse, T. B.	Russell, Lord J.
Hoskins, K.	Rutherford, rt. hon. A.
Howard, P. H.	Sheil R. L.
Howick, Viscount	Somerville, Sir W. M.
Hutton, R.	Stanley, hon. W. O.
Irving, J.	Stock, Dr.
Kemble, H.	Thomson, rt. hn. C. P.
Labouchere, rt. hn. H.	Troubridge, Sir E. T.
Morpeth, Viscount	Wood, C.
Muskett, G. A.	TELLERS.
Parker, J.	Stanley, E. J.
Pigot, D. R.	Steuart, R.

List of the NOES.

Broadwood, H.	Pechell, Captain
Darby, G.	Scholefield, J.
Douglas, Sir C. E.	Thompson, Mr A ld.
Ewart, W.	Vere, Sir C. B.
Fielden, J.	Vigors, N. A.
Finch, F.	Williams, W.
Freshfield, J. W	Yates, J. A.
Hawes, B.	
Hume, J.	TELLERS.
Humphery, J.	Duncombe, T.
Langdale, hon. C.	Grimsditch, T.

Bill passed.

[We give the lists on the second division only.]

BIRMINGHAM POLICE.] On the question that the report of the Birmingham Police Bill, (No. 2.) be received,

Mr. *Scholefield* said, it was his imperative duty to oppose the motion. He and his hon. Colleague had been desired to resist the bill in every stage. On the former debate one of the reasons given for withholding the confidence of this House from the town-council of Birmingham was, that they had acted with extreme impropriety in appointing Mr. Edmonds as clerk of the peace, he having at a public meeting advocated physical force. Now, Mr. Edmonds declared that it was a gross misrepresentation to say that he ever advocated physical force. He could not conceive that Sir R. Peel (who had made the accusation) was capable of misrepresenting any person; but most certainly he was—

Mr. *Speaker*, Order! order! The hon. Member is at present alluding to what passed on a former debate, which is against the rules of the House.

Mr. *Scholefield* wished merely to say, that Mr. Edmonds, so far from advocating physical force, admonished the people

against listening to those who counselled that course; and in doing so he had actually lost the confidence of many of those with whom he had acted for the last twenty-five years. The hon. Gentlemen concluded by moving that the report be received this day three months.

Mr. *Thomas Attwood* seconded the amendment. Whatever the noble Lord might think of his politics, he was sure that there was not one member of the council whose politics went as far as his would, and very few had belonged to the political union over which he had presided. With regard to Mr. Edmonds in particular, he was the first man in the Birmingham political union who denounced the recourse to arms and physical force. In the autumn of the last year, when two Tories, set on by others, he knew not whom, the rev. J. R. Stephens and Mr. Oastler recommended, or were reported to have recommended, the use of arms and the application of physical force, Mr. Edmonds was the first to denounce the illegality and the injustice of such a course. The consequence was that he was attacked by many parties in a most unfair manner; he was accused of being a traitor to the principles he had professed throughout life, because he would not stand by the recommendations which had been held out to a deluded people. It should be considered that Mr. Edmonds was the first man attacked and injured; the minds of his neighbours were poisoned against him, but he had displayed strict Conservatism, much uprightness and integrity, and great truth and loyalty of character. But Mr. Douglas and Mr. Muntz had been also attacked for the same cause. These were the principal Radicals in the Birmingham council, being Whigs. Birmingham, then, was to be insulted, in consequence of a clique of local Tories having misrepresented the character of the people of Birmingham to the noble Lord. He hoped that the noble Lord would not persevere; but if he did, he (Mr. Attwood) must vote against him, and endeavour to prevent the bill becoming law; for he firmly believed, that instead of making peace it would create anarchy. Having the bad example of the introduction of the London police before him, the noble Lord said, "I will give you a police of your own, but I will make it most objectionable." Now, he warned the noble Lord, that Birmingham was the last place in which to try a

should be made applicable to foreign spirits only, and he should therefore move the omission of the words "foreign spirits" in the first clause of the bill, and on that he should take the sense of the House.

The *Chancellor of the Exchequer* admitted, that the observations of the right hon. Gentleman were entitled to great weight at the hands of the House; but he thought that the effect of the proposed bill would only be to legalise that which was illegal at this moment, but which, in spite of its illegality, was done every day in the case of most wholesale dealers, and in the establishment of nearly every hon. Member of that House; and he was sure that if he were to look over the monthly bills of any hon. Member, it would be found that small quantities, of whatever foreign spirits or liqueurs were required, were purchased from the wholesale dealer.

Mr. *H. Hinde* thought if this bill was passed, the wine dealers ought to be subjected to the same liability as the publicans, such as having soldiers quartered upon them. The bill would, also, in his opinion, operate as a great hardship on the licensed victuallers.

Captain *Pechell* felt in great difficulty as to this bill, as his constituents were divided in opinion upon it. Had not the *Chancellor of the Exchequer* better postpone it to next Session?

Mr. *Grimsditch* was for a general revision of the law relating to the sale of spirits and wines, and opposed the bill as a partial measure.

The House divided on the question that the words proposed to be left out, stand part of the clause:—Ayes 28; Noes 19: Majority 9.

List of the AYES.

Aglionby, H. A.	Parker, J.
Briscoe, J. I.	Parnell, rt. hn. Sir H.
Cowper, hon. W. F.	Praed, W. T.
Donkin, Sir R. S.	Price, Sir R.
East, J. B.	Rice, rt. hn. T. S.
Ewart, W.	Rolfe, Sir R. M.
Finch, F.	Rutherford, rt. hon. A.
Hobhouse, rt. hn. Sir J.	Salwey, Colonel
Hobhouse, T. B.	Thornely, T.
Hoskins, K.	Vigors, N. A.
Howard, P. H.	Warburton, H.
Hume, J.	Yates, J. A.
Hutton, R.	
Lushington, C.	TELLERS.
Morpeth, Lord Visc.	Baring, F. T.
Palmer, C. F.	Steuart, R.

List of the NOES.

Attwood, T.	Brotherton, J.
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Cochrane, Sir T. J.	Philips, M.
Dick, Q.	Polhill, F.
Duncombe, T.	Pryme, G.
Freshfield, J. W.	Scholefield, J.
Grimsditch, T.	Talfourd, Sergeant
Hawes, B.	Williams, W.
Hinde, J. H.	Wood, G. W.
Hindley, C.	TELLERS
Hodges, T. L.	Lushington, Dr.
Langdale, hon. C.	Clay, W.

Clause agreed to. Bill to be read a third time.

THE DUKE OF MARLBOROUGH'S PENSION.]—The *Chancellor of the Exchequer* said, that when the subject of the charges on the pension of the Duke of Marlborough was brought under the notice of the House by the hon. Member for Oxfordshire (Mr. Vernon Harcourt), with the view of relieving it from the five shillings in the pound land-tax duty, it was determined that the matter should be referred to a committee to inquire into the subject. The committee reported on the facts, and the result was, that although the pension was chargeable with the land-tax duty, yet that there could be no doubt that the duty of one shilling and sixpence in the pound on it was inconsistent with the Parliamentary grant. He should have been disposed to propose the remission of both these duties, if he was as well satisfied that the land-tax was improperly charged as he was on the other charge. He concluded with moving for leave to bring in a bill to exempt the Parliamentary grant to the heirs of John Duke of Marlborough from the payment of the duty of one shilling and sixpence in the pound.

Mr. *Hume* thought that such a measure should have been brought forward at the early part of the Session, when they had time to examine into the subject, but he protested against its being introduced at almost the close of the Session, when but few Members were in attendance, and when there was no time for deliberation. He should therefore oppose the motion.

Mr. *F. Baring* said, that he had opposed the proposition of the hon. Member for Oxfordshire for the remission of the land-tax of five shillings in the pound, chargeable on this pension, but this was very different from exempting it from the additional payment of one shilling and sixpence in the pound. The committee had recommended the latter, and he saw no reason for postponing the bill.

Motion postponed.

HOUSE OF LORDS,

Tuesday, August 13, 1839.

MINUTES.] Bills. Read a first time :—Poor-Rates Collection; Birmingham Police; Slave-Trade Suppression; Rogue Money (Scotland); Excise Licenses (Sale of Spirits); Militia Pay; Joint Stock Banking Companies.—Read a second time :—Soap Duties Regulation; Poor-law Commission Continuance; New South Wales.—Read a third time :—Highway Rates; Unlawful Oaths (Ireland); Shannon Navigation.

Petitions presented. By Lord Lyndhurst, from Individuals, claiming Compensation under the Copyholds and Metropolitan Police Courts Bills.—By Lord Brougham, from Licensed Victuallers of Lancashire, against the Excise Licenses (Sale of Spirits) Bill; and from the Chairman of the General Convention, for an Address to her Majesty to Pardon certain Birmingham Rioters.—By Lord Ellenborough, from St. Luke's, Chelsea, against the Poor-law Commission Continuance, and Collection of Rates Bills.—By Earl Stanhope, from several places, to the same effect; and for the Repeal of the Poor-law.

METROPOLITAN POLICE COURTS.] The Metropolitan Police Courts Bill was reported.

Lord Brougham moved, that the third clause be struck out, not because he objected to an increase in the salaries of the police magistrates, or to their being allowed retiring pensions, but because he wished those pensions to be introduced in a proper bill, which should be introduced at a period when it might receive due deliberation and proper attention.

Viscount Duncannon could not agree to the proposition of the noble and learned Lord.

Lord Lyndhurst believed, that the noble Viscount opposite (Viscount Duncannon), had last night given only two reasons for the introduction of these provisions — one was, that additional duties were imposed upon the magistrates by the present bill; and the other was the possibility of their labours being still further increased by a bill to be introduced in another Session of Parliament. Now, the clause of the present bill, imposing additional duties, had been negatived by the House, and it would be time enough to make provisions respecting the prospective jurisdiction when the bill was introduced by which it was to be conferred.

Their Lordships divided on the question that the clause stand :—Contents 30; Not-Contents 43 :—Majority 13.

List of the CONTENTS.

DUKES.	Lansdowne
Somerset	Normanby.
Argyle	EARLS.
Richmond.	Ilchester
MARQUESSSES.	Minto
Conyngham	Gosford
Westminster	Devon

Leitrim
Clarendon
Uxbridge,

VISCOUNTS.

Melbourne
Duncannon
Falkland
Lismore.

BISHOP.

Peterborough

List of the NOT-CONTENTS.

ARCHBISHOP.

Armagh.

DUKE.

Wellington.

MARQUESS.

Ormonde.

EARLS.

Abingdon
Galloway
Tankerville
Stanhope
Beverley
Liverpool
Wicklow
Rosslyn
Charleville
Harrowby
Verulam
Beauchamp
Glengall
Sheffield
Eldon
Falmouth
Munster
Ripon.

LORDS.

Holland
Colborne
De Freyne
Foley
Stafford
Seaford
Barham
Cottenham
Sudely
Stanley (Alderley)
Methuen.

VISCOUNTS.

Gage
Hawarden
Canterbury.

BISHOPS.

London
Rochester.

LORDS.

Colville
Sondes
Boston
Calthorpe
Redesdale
Ellenborough
Prudhoe
Rayleigh
Bexley
Wharnccliffe
Fitzgerald
Lyndhurst
Tenterden
Cowley
Wynford
Brougham
De L'Isle.

Paired off.

CONTENTS.

Norfolk
De Mauley
Carlisle
Albermarle.

NOT-CONTENTS.

Thomond
Stuart de Rothsay
Hertford
Winchester.

Clause struck out.

Remaining clauses agreed to.

SHEEP - STEALERS, (IRELAND).]
House in Committee on the Sheep-stealers (Ireland) Bill.

The Lord Chancellor reminded their Lordships that this bill considerably altered the existing law, for it sought to punish a party guilty of sheep-stealing by a penalty of 5*l*.

Lord Brougham was at a loss to know why a felony committed in Ireland should be punished by a penalty, when in this country the punishment for a similar felony used to be hanging, and was now transportation for life?

The Earl of *Wicklow* said, it seemed to him that the only case in which the penalty of 5*l.* was provided, was not where an individual had been proved to steal the sheep, but where a sheep was found in his possession, and he was unable to account for it. Possession was no proof of stealing. Would a man, on proof of possession, be liable to be hung or transported for life?

Lord *Brougham*: Most certainly. If the mutton or skin was found in his possession, and he was unable to account for it, on proof that it was the property of another person, he would be supposed to have stolen it. He (Lord *Brougham*) never knew a case of sheep-stealing in which there was any evidence of the taking.

House resumed.

On the question that the report be received,

Lord *Brougham* moved, that it be received this day three months.

Agreed to.

Bill put off for three months.

IDOLATROUS WORSHIP, (INDIA).] The Bishop of *London*, on rising to move, pursuant to notice, for the production of certain papers relating to Idolatrous Worship in India, said, the question which he felt it his duty to bring under the attention and consideration of their Lordships was one of vital importance to this country, as affecting the Christian character of this country, and, as he firmly believed, of vital importance as regarded the permanency of British dominion in that vast country to which his motion had reference. He was aware that in this country there were persons who thought this question might affect the permanency of British dominion in India, but who did not entertain the same opinions as himself, because those persons thought, that the raising or mooted this question at all, was likely to bring the empire of Great Britain in the East into jeopardy. From that opinion, he entirely dissented, and, on the contrary, he thought, that nothing was so likely to shake the stability of our empire in India as the continuance of the existing most unsatisfactory state of things as to religion in that country; and, he could not believe, that a Government which not only tolerated, but sanctioned, the continuance of idolatry—which not only sanctioned and encouraged it among the natives, but compelled a Christian people to

give an unwilling sanction to it—could look for the blessing of Providence on acts which were so strongly opposed to the dictates of religion. It might be said, that the question of idolatry was one in respect to which the Government ought to observe a strict neutrality, and he admitted that the most effectual way of impeding the progress of Christianity was to offer violence to the prejudices and feelings of those amongst whom it was sought and desired to plant it. But, he believed it was the clear and incontrovertible duty of this Government, as Christians, and members of a Christian state, to do nothing, that should encourage the continuance of idolatry and superstition, still less, to sanction by acts, those proceedings which they knew to be inconsistent with Christianity. He believed the country at large, and he might include many of their Lordships in the category, were but little aware of these idolatrous proceedings in India. About the year 1831, the subject began to occupy a considerable portion of public attention; and in consequence of the representations made by religious people and by some societies, the Court of Directors, in 1833, sent a despatch, which did them the highest honour, and which embodied directions that would, if carried out in practice, have spared him (the Bishop of London) the necessity of now addressing their Lordships. That despatch, it was now well known, was the production of a nobleman eminent for his benevolence and piety—he meant the noble Lord lately at the head of the Colonial department—who stated, in direct and distinct terms, the duty of the Government in India; and he could not understand why that Government had deviated from the principles there recommended. The despatch was signed by the chairman, and by 13 members of the Court of Directors, and he could not conceive that those individuals had not a *bond fide* intention that the instructions contained in it should be carried out. If, however, they had merely signed it in their official characters, and with their hearts in an opposite direction, he could only say, that they had trifled with their consciences, and deluded the Christian public. He, however, gave the directors full credit for entering into the spirit of the directions which emanated from the noble Lord to whom he had alluded. The despatch, so signed, went out: three

years elapsed, and it did not appear that any steps were taken during that time to carry the directions it contained into effect; and, in consequence, the attention of the proprietors of the East India Company had been called to the subject, and a motion was brought forward by a proprietor, to the effect, that the directors be instructed to carry out effectually the directions set forth in the despatch of the year 1833. That motion was, he believed, carried unanimously. After a further time, inquiries were again made as to what had been done in the matter, when it appeared that the directors had sent out to India for information as to the connexion which the government there had with the superstitions of the natives, in relation to the pilgrim-tax, as to the employing troops in religious processions and festivals, and as to the financial interests of the country, the political measures of the government, and on their public character. Now, these certainly were very proper inquiries to be made, but if the Court of Directors had been determined to carry into effect the directions of the despatch of 1833, they ought not to have suffered three years to elapse without requiring this important information. Their course of proceeding since the period to which he adverted, had been of a retrograde character, and he had, consequently, taken the liberty of calling the attention of their Lordships on two former occasions to the subject. On the last occasion, he had received from the noble Viscount at the head of the Government, the satisfactory assurance that a despatch, which should satisfy the public mind on this important subject, should go out to India. A despatch, it was true, had gone out, but, so far as he could understand, it was anything but satisfactory, and, in point of fact, it contradicted and contravened the despatch of Lord Glenelg, so far as it related to the compulsory attendance of troops in processions and at festivals. He thought it due to himself, after having spoken so strongly on these practices, to put their Lordships in possession of one or two features of the connexion of the Government with idolatrous practices to which he objected. But, first, he would observe, that there could not be a greater mistake than to suppose, that, amongst the experienced public in India, there did not prevail anything like unanimity on the subject; he was quite sure, that, even if the public voice in this

country had been silent, the opinions of people in India would have made themselves heard. The people of India were not aware of any such dangers as those held out by the Court of Directors and their friends, as likely to arise from carrying out the Christian directions of the despatch of the year 1833. One of the objections was, as to the connexion of the Government with the pagoda funds. There had been a misunderstanding between some priests, who had been thought heterodox by other orthodox Brahmins, and the Government had directly interfered, and had given a direct sanction to the idolatrous proceedings. Why not leave these pagoda priests to themselves? for it had not been even attempted to be shown that the slightest danger would arise from the Government divesting itself of the entire management of such matters. That had been done in one or two instances to the entire contentment of the parties concerned, leaving them to the civil courts of the country, if their rights were invaded. But why should he confine himself to the instances of one or two pagodas? for it had been done generally in the presidency of Bengal; there, things were as they should be; the connexion of the Government with idolatry had been got rid of without danger in that great province, which comprised a population of 50,000,000; and why could not the same thing be managed among 20,000,000 of people in Madras and Bombay? The next evil complained of was the sanction which the Government gave to religious processions and festivals, by the compulsory attendance upon them of Christian troops. He knew he might be told that this was done out of compliment to the native prince, when going to offer sacrifice in his temple. That was not the case. If a guard of honour was sent to accompany the Rajah in his progress, and to pause at the entrance to the temple, there would be not so much reason to complain; but it was not the Rajah alone that passed in procession; the idol came with him, and the idol was saluted by the troops. So far from the compliment being alone paid to the Rajah, he was sure, if a native was asked to whom the salute was offered, he would reply, "To the idol," and not to the Rajah. Such was the answer given by the Brahmins on these occasions. Was the course of proceeding consistent with the desire to bring the millions of be-

nighted people of that country to the pure faith? Was it consistent to make professions of that desire, while, in practice, the Government was ready to assist in paying homage to stock and stone? But why should Christian troops be compelled to assist in these ceremonies, so revolting to their consciences, when Mahomedan soldiers were not liable? That this was the case had been proved lately in the instance of a Subahdar of a Mahomedan regiment in the British service, who refused to join in the processions, and had been brought to a court-martial. He urged reasons which would not have availed a Christian officer, and had suffered no inconvenience from his refusal. And yet at that time, the officer whose name appeared in the papers for which he (the Bishop of London) was about to move, found nineteen Christian soldiers in confinement for having refused to perform a similar act, which was equally against their consciences. While India was under the government of Mahomedans, they never lent their troops in this way, neither did they interfere with the native religion, and he contended, that nothing short of that course by the British Government, would satisfy the public mind at home and abroad. What he wanted to see, was something like an advancement on the part of the directors towards that consummation so devoutly to be wished. But instead of this, they had retracted the orders they sent out in 1833; they first censured the practice, and then withdrew their censure. What conclusion could the people of England form from that circumstance, but that the Court of Directors did not feel disposed to fulfil the hopes of the public on this subject? There was another topic upon which he hardly knew how to speak in terms of moderation—he alluded to the offerings to idols made on the part of the Government. It was notorious, that such offerings were made by a Christian Government. He had lately heard of an instance which was of so gross a character, that he could scarcely believe it true, and therefore he would not relate it at present. But there was no doubt of this fact, that offerings were actually made to idols in the most solemn and formal manner, by the servants of the East India Company on certain days of the year. Was it to be supposed, that the Hindoos, who were not wanting in sagacity, indolent and ignorant though

they might be, and immersed in the most degrading superstitions and immoral practices as they were, would not take notice of this inconsistency? Why, they were in the habit of taunting our missionaries with these very things. He was persuaded, that if the known principles of the constitution of this country were regarded, we should more effectually advance and strengthen our influence with the heathen population, by something like a consistent and firm maintenance of them, coupled with moderation, than we could by a compromise of those principles. The kind of influence obtained by means of a compromise of principle, was such as their Lordships might be certain would not stand in the day of trial. At this period of the Session, he felt that he ought not to enlarge upon this subject, and, indeed, nothing but its great importance had induced him to press it upon their Lordships' attention. He would, however, just allude to the case of a distinguished individual who had been treated, in connexion with this important question, in a manner, he would not say unworthy of his character, but in a manner unworthy of a Christian Government, and in a manner which was calculated to impede the progress of Christianity. In consequence of the despatch to which he had alluded, Sir Robert O'Callaghan issued an order—and he was the more induced to do so, because of the unfortunate death of a sepoy at an idolatrous festival—that no troops should be so employed except as a guard of honour to the Rajah, thereby marking out the course of duty to be followed. When Sir Peregrine Maitland went out to take the command of the troops at Madras, having heard of the order of Sir Robert O'Callaghan—having considered with some attention, and viewed with some apprehension, the compulsory attendance of troops at idolatrous festivals, for it was no new subject either in this country or at Madras, and having received no new directions to depart from the instructions of the Court of 1833, he went out with the persuasion, that it was his duty to carry out those instructions according to their spirit. That distinguished individual also consulted one of the directors—the chairman, he believed, but certainly a leading person in the Court of Directors—on the principles which should govern his conduct of India. The gentleman whom he consulted, put into

his hands a book, in which he was informed he would find the principles laid down, upon which the directors wished their officers to act. There was only one paragraph in that book, which related to the subject now under discussion, which set forth, that while those who did not profess Christianity should not be exposed to persecution, but should be protected, Christians also ought not to be compelled to comply with practices which their consciences disapproved; and that the neutrality of the Government in religious questions should be perfect, for while, on the one hand, they should not force Christianity on the people, on the other hand, they should not evince any approbation of idolatry. Now, was it possible to suppose, when that distinguished person had this book placed in his hands, and when he found that Sir Robert O'Callaghan had issued the order already mentioned, that in carrying out the principles therein set forth, he was incurring the displeasure of the Government? He believed, however, that the order was revoked by the Government, and Sir Peregrine Maitland, finding that he could not conscientiously proceed to discharge the duties of the post he occupied, placed at the disposal of the Court the command of the army at Madras, and his seat in the council. The reply which he received, was understood to be to the effect, that he had tendered his resignation under an erroneous impression — nevertheless his resignation was accepted. Amongst the papers for which he now moved, was the correspondence between the Court of Directors and Sir Peregrine Maitland. There might be objections to the production of that correspondence upon grounds with which he was not acquainted; but if those objections came from the Court of Directors, he must say, that it was due to the distinguished and gallant individual concerned, that they should produce those papers, because in them was to be found the justification of a step which no military chief should take, except upon strong grounds. He believed — but he spoke without any positive information — that the tendered resignation was not only accepted by the Court of Directors, but by another branch of the Government. He should be glad to hear what the noble Viscount at the head of Her Majesty's Government, would say before he determined whether he should

press for the production of these papers or not. He knew the arguments with which he should be met: he should be told that it would be unsafe to agitate this question in this country, and that persons here could not understand the bearing of it. But he saw nothing to awaken an apprehension, that by discussing this topic they would in the slightest degree endanger or impair the stability of the British empire in India. He had already pointed the attention of their Lordships to one conclusive fact, that the practices in Bombay and Madras were unknown in the other presidencies; and he could not understand why, since there was no difference in the habits or religion, or religious observances of the people, there should be a difference as to the interference of the British troops with their religious practices. What was safely done with 50,000,000 of people, might be safely done with 20,000,000. From the concurrent testimony of many wise and good men, who had lived in India, and well considered the subject, it was clear that hardly anything would more tend to cement the foundations, and secure the continuance, and increase the influence of the British Government in that country, than a firm, consistent determination on the part of the Government not to interfere with the superstitious practices of the people — not to thwart or hinder their wishes, nor to withdraw any means of protection to which, by treaty or law, they were entitled, but at the same time, to refrain from all interference, which could by possibility be construed into a sanction of idolatry. He was bound to say, that the Government had taken one step of which he approved: they had given directions for the discontinuance of the pilgrim-tax, that source whence the Government had drawn an immense amount of money, part of which went out again to the support of idolatry, and part remained an unholy addition to the gains of the company. The tax was abolished in the district of Allahabad, but there were many other cases in which revenues were drawn from idolatry; and was it not to be deplored, that a Christian Government should seek to derive profit from the superstitions of idolatry, while professing to be the worshippers of the true God? And let it be remembered, that he spoke not merely of the worship of idols in simple distinction from the

worship of the true God, but of a system which included obscenities, barbarities, and crimes which found no parallel in all the pages of classical mythology. Nothing could exceed the atrocities which were committed under the name of religion in India. The consequence was the entire degradation of the character of the natives, until they had become notoriously and proverbially regardless of truth and honour, so that no testimony given in a court of justice by a native Hindoo, could be relied upon. He did not wish the prejudices of these people to be interfered with in any improper manner; but he would have every means used to let them see that we felt that we were in possession of a holier and a happier religion, which, if they embraced it, would be the means of promoting their prosperity here, as well as their happiness hereafter. He would not have anything done, which would lead them to think it was a matter of indifference, whether they should embrace the true religion, or live in the practices of idolatry. That appeared to him to be so plain, so clear, and so faultless a course, that he could not anticipate what objections could be started against it, except those which were suggested by expediency. But if, indeed, we could secure our dominion of that vast territory—if we must be masters of that immense population, only at the expense of sacrificing the holiness of our own religion, he confessed he would rather give up all; nay, he believed, all attempts to retain it would be in vain, if we acted upon such a principle; for he never could suppose that a merciful Providence, which had entrusted us with that empire for the purpose of carrying out its benevolent designs towards mankind, would keep it in our possession that we should abuse our power and our privilege, and make that a dominion for Satan, which we ought to convert into a kingdom for God. He would now move for

“Copies of so much of any despatches sent by the court of Directors to India since the 8th of August, 1830, as relates to the abolition of taxes in India, connected with religious observances of the natives, or to the employment of Christian troops in the religious processions and festivals of the natives. Also, copy of the memorial sent to the Governor-general from the presidency of Madras on the subject of the attendance of Christian troops at the religious processions and festivals of the natives; together with the appendix to such

memorial. And also, copies of the despatch of the 18th of October, 1837, to the Governor-general in Council, No. 14, Revenue Department; and of Sir Peregrine Maitland's letter thereon to the Court of Directors, tendering his resignation of the command of the Madras army, and of his seat in council.”

Before he sat down, he would trouble their Lordships so far as to read to them the opinion of an individual who had resided long enough in India to take an accurate estimate of the question—one who was eminently distinguished by his services in the cause of religion—the Bishop of Calcutta. The extract was from a charge delivered by that right rev. prelate in July, 1838:—

“Before I quit the subject of missions, it may be proper for me to mention the great obstruction to the progress of the gospel, which has been directed to be renewed by that remarkable despatch of the Court of Directors of February, 1833, which did them so much honour, and which is, indeed, one of the most able and conclusive documents I ever read. What progress has been actually made in India itself, in carrying into effect the abolition of the pilgrim-tax, I am not informed. I observe that delay is creating feelings of sorrow and impatience in the generous hearts of British Christians. I can only say, rev. brethren, that everything we can properly do to direct and rouse public opinion, both here and at home, it is our duty to undertake. It is frightful to think, after all that Providence has done for us in India, that we should be still countenancing the most degrading and debased idolatries—should still be identifying ourselves with the blood-stained car of Juggernaut; and should still be enlisting the Christian virtues of prudence, sagacity, fortitude, and perseverance, in arranging the abominations, in preparing and decking out the pageants, of the grossest and most polluting idolatry. Thank God, we are exempt, on this side of India, from the personal and direct countenance, which at Madras and Bombay the authorities are understood to be called upon to give to heathenism and Mahometanism. I need not say that I honour Bishop Corrie, for the manly and, to his gentle nature, difficult part he took on this subject; and I beg to be understood to partake, as metropolitan, in all the sentiments of the memorial, which has brought down such unmerited calumny on his name, but which will ever be considered as amongst his highest eulogiums by all who estimate the duties of a Christian bishop.”

Viscount Melbourne hoped he felt as deeply impressed as any man, with a sense of the serious nature of the subject upon which the right rev. Prelate had despatched; he hoped he felt the importance

of the subject to this country, and to the great spiritual and future interests of the people concerned, as well as to the stability of that vast empire, which we now possessed in India. He did not in any respect disagree upon the general principles upon which that empire ought to be religiously governed. He agreed with the right rev. Prelate, that every respect should be shown to the religious prejudices of the country—that no disrespect or insult should be offered to the religious feelings of the inhabitants—and that at the same time no undue honour should be paid, no unnecessary respect should be shown, to their superstitions; and that all practices which could be construed to giving any sanction to them, should be carefully abstained from. He would not enter further into the general consideration of this question on this occasion; but he had hoped, and he still hoped, that on these general principles, there was no disagreement. The right rev. Prelate had given a history of the proceedings in connexion with this subject, from the time of the despatch of 1833, down to that period of the last year, when he did, unquestionably, in answer to an observation of that right rev. Prelate, inform him, that measures were about to be taken by the Court of Directors of the East India Company, which he hoped would prove effectual in securing the object which the right rev. Prelate so much desired, and answer the expectations of those in whose names he spoke. It was with great concern that he learnt from the right rev. Prelate, that he considered that pledge as remaining unfulfilled; because, as far as he understood the objection taken on the present occasion, and the reasons and principles laid down by the right rev. Prelate, it appeared that the despatch sent out instructing the Governor-general of India, which had been laid before the House, did proceed upon the very principles laid down by that right rev. Prelate. They all admitted the justice of those principles, and he believed it was the intention of the Government here and in India to carry it into effect. The right rev. Prelate had spoken of the pilgrim-tax; and what said the despatch?

“In the same spirit we have again to express our anxious desire, that you should accomplish, with as little delay as practicable, the arrangements already in progress for the abolition of the collection of the pilgrim-tax,

and for discontinuing all connexion of the Government with the management of any funds for the support of any religious ceremonies of the people. It is our wish that you should leave them exclusively to the management of their own priests.”

That he understood to be the course which the Government wished to be taken. That was the course which the Government had pursued, and Government was still proceeding in the same course, in order to effect the total discontinuance of all sanction on the part of the authorities to the religious ceremonies of the natives. The right rev. Prelate had said, that they maintained all the pagodas; that they managed the funds, and that they supported the temples; and he had asked, why the Government did not discontinue this connexion, and leave those matters to be settled by the native priests. Now, he would ask whether it was not fully shown by the despatch to which he had alluded, that the Government was anxious to adopt such a course and to leave the management of the temples and revenues to the natives themselves? That despatch contained the following passage, which showed clearly what the intentions of the Government were. It said:—

“We wish it to be distinctly understood, that the management of the temples ought to be resigned into the hands of the natives, and that the intercourse of all the public authorities with the natives, in regard to those matters, ought to be regulated by the instructions contained in section 62 of the despatch of 1833.”

Those instructions prevented the soldiers from being called on to take a part in the religious ceremonies of the natives; but he thought no alteration should be made in the practice as regarded escorts to the princes of the country, as it was evident that those escorts were in honour of the individual, and not of the occasion. The right rev. Prelate had stated that those escorts took part in the religious ceremonies, and that the honour was considered by the natives as paid to the idol, and not to the prince. Unquestionably, it was his opinion that every means should be adopted, and every precaution taken, to show that this mark of respect was paid to the person, and not to the idol; but he must say at the same time, that in his opinion it would not be prudent at the present moment, to discontinue the paying of that mark of respect to the native princes, which had hitherto been paid.

It was his wish, certainly, to see those religious ceremonies discountenanced, and the Christian religion established; but at the same time it was necessary, in seeking the attainment of that object, that they should proceed according to the dictates of prudence; for if they did not attend to what prudence required, their measures might not only endanger the loss of the country, but prove injurious also to religion itself. He had certainly hoped that the despatch which had been sent out would have satisfied the right rev. Prelate, and he was sorry to find that it had not. He still, however, trusted that it would be found that there was no material difference in the course which the right rev. Prelate wished to be followed, and that which had actually been pursued by the Government. He hoped the differences might be reconciled, and that there would be found no great discrepancies of opinion, and that they might all labour by the same means for the attainment of that result which all, he was sure, were equally anxious to see accomplished. As regarded the papers which the right rev. Prelate had moved for, he had to state, that he had no objection to the production of the two first; they had already been laid before the other House of Parliament, and their production could not be attended with any inconvenience. As regarded the despatch of the 18th of October 1837, to the Governor-General in Council, it had not been yet produced, but he had no objection to its production. As regarded, however, the letter to the Court of Directors from Sir P. Maitland, considering that it was the letter of a general officer, and that it contained a statement of the reasons which had induced him to resign his command, he would put it to the House whether it was a document which ought to be produced? That general officer had thought proper to tender his resignation, but there was no charge against his character or conduct, and there was nothing in the proceedings which called for a vindication of his conduct; and he would, therefore, put it to their Lordships, without entering upon any further explanation of the transaction, whether this was a document of a nature or of a character which ought to be produced? There were other reasons against the production of this document, and he trusted the right rev. Prelate would not press for its production.

Lord *Brougham* said, their Lordships were all greatly obliged to the right rev. Prelate for the able, eloquent, and touching manner in which he had brought this important matter under their consideration. He quite agreed in much that had fallen from the right rev. Prelate, and thought that those religious ceremonies ought to receive no encouragement from the Government. He felt, however, that he should not be doing his duty if he did not say, that it was too unqualified a condemnation to state that the natives of India were not to be believed upon their oath in a court of justice. There were many natives of India of high character, and in whom implicit confidence might be placed. From his attendance before the Privy Council, where cases relative to India were decided, he was able to speak from experience on this subject, and he should have been unjust to the natives of that country if he had not said this much in their defence.

The Bishop of *London* said, that the noble and learned Lord must be aware that he had not included all the natives of India. There were many enlightened natives of India in whom perfect confidence might be placed, and his observations did not apply to those persons, nor did they include every one.

The Duke of *Richmond* said, the noble Viscount at the head of the Government had not told them why, if it was safe to discontinue in one province all interference on the part of the authorities of India in the religious ceremonies of the natives, it was not equally safe to discontinue that interference in all. He held in his hand a document in which the character of those ceremonies was described. It was said in that document, that the religious rites and ceremonies of the natives might be well termed scenes of folly, licentiousness, and cruelty, for they were of a character from which the most abandoned persons in Europe would revolt with horror. He confessed that he had never before imagined that such scenes could have been sanctioned by a Christian Government. It was certainly not his desire to employ force, and he only wished that the Government should afford facilities to the natives of becoming Christians, and that no encouragement should be given to their religious ceremonies. He must, however, say, that he could not understand the course which had been pursued by the

Government, or by the Court of Directors. After the despatch which had been sent out in 1833, it appeared to him rather strange that such a course should have been adopted as had been pursued towards an officer, who had resigned because he had been prevented from carrying the intentions of that despatch into execution. He, therefore, wished to see the letter of his gallant relative produced, because, as it appeared to him, they ought to know the grounds on which that officer's resignation had been accepted. His gallant relative did not object to his resignation having been accepted, but the Government had said that he had been mistaken, and he thought some explanation of this matter was necessary. Whatever might have been the grounds for having accepted the resignation of this gallant officer, he was persuaded that Sir P. Maitland had only done his duty as a soldier and a Christian, and he felt grateful to the right rev. Prelate for having brought this subject in so able a manner under the consideration of their Lordships, because he felt that a remedy ought to be applied to prevent the continuance of those revolting ceremonies.

The Duke of *Wellington* had served in India for a considerable length of time, but he had never seen, he had never heard of, anything so revolting in the religious ceremonies of the natives, as had been described by the noble Duke and by the right rev. Prelate. The whole army, while he was in India, except about 50,000 men, consisted of idolaters, but they were as good soldiers as could be found anywhere. They performed in the best manner whatever service was required of them, and certainly at that time the object of the Government, and of every man in the service of the Government, was to avoid not only to interfere, but even to seem to interfere, in any manner in the idolatrous rites and ceremonies of the country. He had seen none of the despatches which had been alluded to, and he must say, that he had seen too much in his own experience to encourage the practice of producing documents of this description. He begged their Lordships to recollect, that, with the exception of about 20,000 of her Majesty's troops, and with the exception of the civil servants of the Government, and the few European residents, there was not a man in India who was not an idolater, to manage and to regulate the affairs of that most extensive and important em-

pire. He would entreat their Lordships never to lose sight of that fact. He knew, too, from experience, for he had seen the missionaries at work, the little progress which they made, and he knew, at the same time, that they created a good deal of jealousy. He warned the Government not to go too far in their measures against the idolatry of India, for the Indian empire was one of great importance, and they must not expect to convert 100,000,000 of idolaters to our holy religion by the small means at their disposal. In regard to what had been stated by the noble Duke (Richmond) relative to Sir P. Maitland, he could have no doubt that that gallant officer had resigned his command, as every honourable man ought, because he had found himself unable to perform what was required from him. There could be no doubt on that point. He had not seen the paper which had been alluded to, but he could have no doubt, from what he knew of Sir P. Maitland, that he had conducted himself as a man of honour and a soldier. In his opinion, however, the papers relative to those transactions were of such a peculiar nature, and of so delicate a character, that they ought not to be produced here, for, if they were produced in this country, they would certainly find their way to India. The noble Viscount had not done quite right, he thought, in consenting so readily to the production of those despatches.

The Bishop of *London* said, his complaint was, that the scruples of the Mahometans were respected, while the Christian soldiers were forced to attend those religious ceremonies. He should not press for the letter from Sir P. Maitland.

The Duke of *Wellington* said, there were Mahometans in all the armies, but he was not able to say the proportion to the Hindoos. He had no hesitation, however, in saying, that the Hindoos generally predominated, and particularly in the army of Fort St. George, and he never remembered any question on this subject having been raised.

The documents moved for were ordered, with exceptions.

COURT OF ADMIRALTY.] The *Lord Chancellor* rose to state to their Lordships the nature and objects of this bill, and he would assure them, that he should trespass as shortly as possible on their time. The Admiralty Court was one of great

importance. The duties of the Judge of the Court of Admiralty were very important in time of war, but he had also very important duties to perform in time of peace. The amount of business done in time of peace was comparatively light, but the importance of the duty was, nevertheless, very great, and the judge who was called upon to perform that duty ought also to be capable of discharging the duties which would be imposed upon the court in the event of a war breaking out. The character which our Admiralty Court had obtained, not only in this country, but in other parts of the world, was well known to their Lordships. The judicial seat in that court had been filled by men of great learning and distinguished ability, and it was of great importance that its character should be maintained. That could only be done by placing men of the greatest talent and character at the head of that court. He would now state to their Lordships how that court was constituted, in respect to its most important officers. There was a judge, a registrar, and a marshal. The income of the judge was, in former times, entirely dependent on the amount of fees received. Gradually, however, additions were made to it, by way of permanent income, and the permanent income of the judge was at present 2,500*l.* It appeared from the evidence of the late Sir John Nicholl, that the income of Sir W. Scott, in time of war, was for a series of years 5,700*l.* a-year, and for another series of years, 5,300*l.* Now, the bill before their Lordships proposed to abolish all fees, and to give the judge a permanent fixed salary of 4,000*l.* a-year, which was less than the salaries received by the puisne judges. It was desirable also that the registrar should have a suitable income. In time of war, his income had amounted to 12,000*l.* a-year, while in time of peace it had been as little as 100*l.* Now, it could not be right or conducive to the public service, that an officer of the court should be paid so extravagantly in time of war, and be left without any income at all in time of peace. The bill, therefore, proposed, that the registrar should have a certain income of 1,200*l.* a-year, in time of peace, and that the Government should have the power, on the application of the Court of Admiralty, to increase his salary in time of war, to 2,000*l.* a-year. Then there was the marshal, who was the executive officer of the court; the bill pro-

posed, that he should have a salary of 800*l.* a-year, in time of peace, and in time of war, 1,200*l.* The bill, however, had other important objects. It was proposed to add to the jurisdiction, and to improve the machinery, of the court, in order to enable it to perform its duties with more effect. There were some cases in which the court had a jurisdiction, but only to a limited extent. Thus it had jurisdiction over the possession of vessels as between the owner and the captain, but although it was in some cases necessary to sell the vessel in consequence of the claims upon it, it was not in the power of the Court of Admiralty to effect a sale. The same difficulty existed with respect to mortgages on ships. Then, again, there was the same question as to seaman's wages. This was a part of the bill, which, he thought, must receive their Lordships' approbation. Another part of the bill was to improve the means by which the Court of Admiralty had to carry its jurisdiction into effect—he meant that part of the bill which related to the examination of witnesses. But before he touched upon this part of the subject, he would refer to the jurisdiction of the Court of Admiralty when a question of prize came before it—namely, when it had to adjudicate upon the disposition of enemies' property taken at sea; this was undoubtedly, within its jurisdiction. But when a question of booty arose—namely, when the property was captured on land—the Court of Admiralty had no jurisdiction. If the property was taken in the course of the joint operations of an army and navy, then the Court of Admiralty had jurisdiction over both; but over questions of booty, it had no jurisdiction. Anciently these questions were determined by the Court of Chivalry; but that court having been abolished, they fell under the cognizance of the Treasury, from which it was now proposed to transfer them to the Admiralty Court. With regard to the machinery by which it was proposed to improve the working of the court, it was intended to give the court the power of examining witnesses *viva voce*, and also power to direct the trial of an issue, in the same manner as courts of equity. He had now gone over all the points in the bill which were of material importance, and he hoped their Lordships would allow the bill to go into committee.

Lord Lyndhurst would detain their

Lordships but a very few moments on the subject of this bill. He agreed entirely with his noble and learned Friend in thinking that the subject was one of very great importance, and he thought, that that statement of his noble and learned Friend was sufficient to show, that it was not fit that this bill should be discussed at this period of the Session; and he believed, indeed, that he should be able to satisfy their Lordships that the persons who had introduced the bill were themselves of opinion, that it ought not to be pressed or urged forward at present. The bill was founded on a report of a Committee of the House of Commons made six years ago, and nothing had been done upon it from that time to the present; but year after year had been suffered to elapse, and then, after all, the promoters of the bill had only brought it forward at a late period of the Session. The bill was committed in the House of Commons on the 15th of July, and it did not come up to their Lordships' House till the 6th of this present August. He would ask their Lordships, then, whether this bill ought to be discussed at this period of the Session, and above all, whether it ought to be discussed in the absence of the noble and learned Lords, who were at the head of the law? But, moreover, this bill was founded not only on the report of the committee, but upon the evidence on which that report was founded, and he defied any of their Lordships to vote for the bill after having read that report and evidence. Besides, this bill proposed greatly to extend the jurisdiction of the Court of Admiralty. His noble and learned Friend said, that it was very desirable to give the Court of Admiralty an extended jurisdiction over the subject of seamen's wages, when secured by contract under seal. Now, against that he protested on account of the great expense of the proceedings in the Admiralty Court. Nothing could be more simple, on the other hand, than the trial of a question of this kind by a jury in the common law courts. He would cite, as an instance of the expense of Admiralty proceedings, the case of the *Lima*. The mate of that vessel thought proper to bring an action in the Court of Admiralty against the master for wages. The claim which amounted to 70*l.*, was resisted on the ground of misconduct, and the master had a judgment in his favour. What was

the consequence? The master, although victorious, had to pay 180*l.* in consequence of the incompetency of the mate to pay the costs. But the matter did not end here. The other party thought proper to appeal, and although he was defeated on appeal, yet the master had to pay costs amounting to upwards of 390*l.* Now, these were facts which were incontrovertible. Yet the noble and learned Lord said it was extremely desirable that contracts of such a nature should be decided by the Court of Admiralty, where the proceeding was most expensive, instead of by the courts of common law. If this provision was adopted, what would happen? Every seaman, getting into the hands of a proctor, would institute proceedings in the Admiralty Court, because it would be well known, that the defendant would be afraid to resist on account of the expense, and that he would therefore submit to the demand made upon him. He mentioned this circumstance for the purpose of showing their Lordships, that a bill involving so many points for consideration ought not to have been delayed until the 13th of August, and then brought forward, in the absence of those noble and learned Lords who presided over the courts of law. For these reasons, he objected to proceeding with the bill at the present moment. He did not object to the proposed increase of salary to the learned judge. He thought it was proper that that judge should have a fixed salary, and, in his opinion the proposed was not more than an adequate remuneration for a person holding that high situation. But this was a point which, with the others involved in the bill, could be very well considered next year, when the bill might be brought forward in their Lordships' House. At the same time, the learned individual who presided over the Admiralty Court need not suffer by the rejection of the bill, as a vote for the amount of the salary might be passed by the other House, or the future bill might be made retrospective in this respect. He moved, that the bill be committed that day three months.

Lord Brougham had repeatedly urged his noble and learned Friend on the Woolsack to bring forward some measure on this subject, for the purpose of taking the payment of the salary of the judge of the Admiralty Court out of the navy estimates. But he thought that a bill on this subject should be accompanied with ano-

ther provision, which appeared to him to be absolutely necessary, namely, that this judge should not hold a seat in Parliament. If the judge was to be paid by a regular salary, and ought to be independent of the Crown, he should on the other hand, be removed from political life, and not placed in a situation to be influenced by political feelings. [Lord *Lyndhurst*: That was recommended in the report of the commissioners.] He was aware that it was recommended in the report, and he was sure that his noble and learned Friend on the Woolsack must be of the same opinion. He did not object to the proposed salary of 4,000*l.* a-year; but it should be recollected that this 4,000*l.* a-year was for little more than twenty-eight days' work, for that was the period during which the court sat, and this was certainly very adequate remuneration for an office which was little more than a sinecure. His noble and learned Friend had stated that this was less than the salary of a puisne judge, but then the duties of the latter were very different. He might be told that they might look forward to a state of war, when the duties of the judge of the Admiralty would be greatly increased. Now, he had no expectation of seeing a war while he lived, at any rate, he sincerely trusted that he should not again see a war. He, however, would consent to this salary of 4,000*l.* a-year, but when the comparison was made between the duties of the judge of the Admiralty Court and the puisne judges, he would remind their Lordships that the latter sat ten months in the year, while the Admiralty Court hardly sat a lunar month. This made all the difference, for if this bill passed, it would enable this judge, as a political partisan, to work double tides for the political party with which he was connected. He believed that a more zealous, active, or able partisan, and a more useful supporter to the Treasury, did not exist, than his distinguished and learned Friend who was now judge of the Admiralty Court. He might then work as long as his services were required, and as actively as possible as a member of the political party to which he belonged, and might again take the lead in coming up to search their Lordships' journals to see what they were doing with some particular measure. But it should also be remembered, that he was the only judge to decide on the matters involved in

that bill to which he had just adverted, as he alone had to determine on the delicate points of the law of nations; he, therefore, could not help feeling that his right hon. and learned Friend should not have taken quite such an active part in passing that bill. The Portuguese would certainly take this view of the subject; and, if their Lordships had enacted that bill, they would have complained that the most active partisan in support of it was the judge who would have to decide on all cases under it. He remembered two previous judges of the Admiralty Court who sat in the other House, Sir William Scott, and Sir John Nicholl; but both these learned judges were Members of the University of Oxford, and this was a very different thing from being Members of the Tower Hamlets; for in nearly every case that would come into his court it would be found that at least one of his learned Friend's constituents was mixed up in it, either as plaintiff or defendant, or as promoter or respondent, as the parties to a suit were called in the Admiralty Court. He would then be one day on the bustings of the Tower Hamlets, and the next day sitting in the Admiralty Court, deciding on some case involving the interests of his constituents. No man would assert that it was right that any one in such a situation should be appointed judge of this court. Again, it was now almost universally admitted, that judges should not have the disposal of patronage; but under this bill the judge had patronage to the extent of at least half a dozen places of emolument, and he was enabled to name whom he pleased to them. In the first place, he might appoint a registrar to the Court of Admiralty, with a salary of 2,000*l.* a-year in time of war, and 1,400*l.* a-year in time of peace. There then was also the office of deputy-registrar, with a large salary. There was also the marshal of the court, with a great salary, together with the clerk and assistants, all with large salaries, and all these appointments were to be placed at the disposal of the judge of the Admiralty Court. In past ages, no doubt, a great extent of patronage was given to judges, but more enlightened ages took it away. Formerly, they paid some of the judges small salaries, and they allowed them the patronage of certain offices attached to these courts, and they were even allowed to dispose of them, in certain cases; but this system had been

changed, and his noble Friend opposite, (the Earl of Ripon), when Chancellor of the Exchequer, had brought forward a measure to take away the patronage from the judges, and to give them increased salaries. This bill, however, gave more patronage to the judge of this court than any judge had ever before possessed. By this bill, also, the judge had power of making rules for the practice of his court, without the approbation or consent of any other judge. What was this, but that the judge of the Admiralty Court, himself a Member of the Legislature, was, under the name of rules, to have the power of making laws for the practice of the court? It happened that nearly half the decisions of the judges of the courts of law were on points of practice, and sometimes the most important matters were involved in them. Indeed, a most valuable book in the profession, which was contained in three thick volumes—he alluded to Mr. Tidd's work—was on practice alone. In all these cases, in the courts of law, a rule of practice was made after deliberation and consultation with other judges; but, by this bill, the judge of the Admiralty Court might make rules without consulting any person, but *ex mero motu*. It would have been better if it were directed that these rules, before being brought into operation, should be laid for a certain period before both Houses of Parliament, and, if either House disapproved of them that they should be rescinded. Under this bill, however, they were to be conclusive immediately on their being issued by the judge. This was very different from what he thought would have emanated from the recommendations of the commissioners. He, therefore, thought, on the grounds that he had stated, that it would be better to postpone the bill to another Session. He had asked for a measure on the subject from the first week in the Session, and now it had come up to them in this objectionable and imperfect form in the last week, as he trusted that it would be, of the Session. If noble Lords thought that they could in committee make something of this bill, that would be satisfactory. He had no objection to their trying, but he was by no means sanguine of this, and, therefore, felt disposed to support the amendment of his noble and learned Friend.

Lord Lyndhurst observed, that it was a remarkable fact, that the learned person who was now judge at the Admiralty Court

was examined before the commissioners; and he described the judge of this court as being somewhat a political judge, and to make him therefore a party judge was really monstrous.

Lord Wynford felt the strongest possible objections to this bill, as it would enable the judge of this court to alter nearly the whole mercantile law of the country. If the bill passed, a great many causes would be taken from the Courts of Common Law into the Court of Admiralty. He did not think that that court was so constituted that it should decide on matters of this kind. He agreed in many of the objections that had been urged to this bill by his two noble and learned Friends, and he, therefore, thought that the best course to pursue was to send the bill to a committee up-stairs early next Session, when the whole bearing of its details could be considered. It would be a mere mockery to pass the bill in its present shape.

Viscount Melbourne said, that unquestionably there might be some grounds for the objections that had been urged against this bill, but he thought that his noble and learned Friend must himself have been surprised at some of the objections that had been urged by noble Lords opposite, and, in fact, he seemed towards the end of his speech to be ashamed of some that had been put forward, and at the opposition that had been got up to this measure, for he said if the bill could be made something of they might as well try it. His noble and learned Friend had for half the Session reproached the Government for allowing the old system of paying the judge of the Court of Admiralty to continue, and had repeatedly dwelt on the shame and scandal of paying a judge by an annual vote of the other House, and had urged that the present state of things should not remain any longer; but now, when the means were before their Lordships of getting rid of this ground of complaint, his noble and learned Friend found out that it was too late in the Session to go on with the bill. His noble and learned Friend had objected to the passing of this bill, because it conferred patronage on the judge of the Admiralty Court. From one who had never had the enjoyment of patronage in the disposal of place as a judge, this might appear to be very sound in principle. But if it was such an objectionable and difficult task,

how he pitied his noble and learned Friend at the very painful situation in which he was placed when he was sitting as a judge on the Woolsack, for he had the largest patronage that could possibly fall to the disposal of any subject. Then, again, his noble and learned Friend objected to the judge of the Admiralty Court having the power to make rules for the practice of the court over which he presided, but all judges did so in their several courts ["No."] Did they not? He spoke from no practical knowledge of the subject, but he believed that all judges had that power. His hon. and learned Friend said, that he never would consent to a measure by which the judge of the Court of Admiralty would be enabled to sit in the House of Commons. The noble and learned Lord opposite only seemed lately inclined to adopt the same opinion; but, for his own part, he thought that it would be very objectionable to adopt the principle of excluding the judge of the Admiralty Court from the House of Commons. That high functionary had always been enabled to sit there, and his situation and position in the country might, in certain matters give very important weight and authority to the opinion or decisions of the House of Commons, which noble Lords might think was much wanting at the present time, and which it would certainly not be wise or prudent to lessen or diminish. This learned judge must be conversant with the law of nations, and with the laws of other countries, and, therefore, his presence might be of peculiar service in regard to the decisions of the other House. He believed, that the opinion was as novel that the judge should not have the disposal of patronage, as that the judge of this court should not be a Member of the other House. He believed that the reason why the common law judges were excluded from seats in the other House was, because they were constituent Members of that House. He would not take any step to enable judges to be elected representatives in the other House, but he would not carry the exclusion that existed at present further. The exclusion of able and learned men from such offices, because they were Members of the other House, and because they represented large constituencies, was a conclusion not very complimentary to the people or the constituency of this country. His noble and learned Friend seemed to say, if the present judge of the Admiralty represented a narrow constituency, it would not be so objectionable, but because he had been entrusted with the confidence of a very considerable body of his fellow citizens, and had been sent as their representative to the other House, he should not be allowed to continue there. Then it was objected, that in his situation on the hustings he might be induced to say unfair things, and to lend himself to popular views and acts and feelings, and that this unfitted him for the due discharge of the high functions of his important office; but he could not help feeling, that this was not a very great compliment to the representative system, or to the form of government under which we lived. It was also said that, in consequence of the high sanctity of the office of a judge, that it should be guarded by peculiar purity; but, at the same time, were they to be told that this peculiar purity, and honour, and integrity was only required in a judge? Other situations required high honour and integrity and character as well as this, and if the representative of a large constituency was unfit for the judicial office, how unfit he must equally be for other appointments of trust? If the principle was admitted, it was a heavy blow at representative government, for it was acknowledging and admitting that those who were elected by the people as their representatives were unfit for offices of trust. It was one of the most dangerous admissions that he had recently heard that those who were so elected and chosen by large bodies of their fellow-citizens were unfit for the service of the Crown. This was one of the most objectionable and dangerous doctrines that could be uttered in that House. Therefore, in conformity with the constitution of the country, and with the constitution of the House of Commons, he felt satisfied that this judicial officer should now be enabled to sit there, as his predecessors did, and that he should not for the future be excluded from the position, and deprived of the power of serving his country in the way in which he could do it with the greatest weight, and in which he could afford the greatest assistance to the councils of his country. In conclusion, he approved of the main principles of the bill, and notwithstanding the opposition that it had met with, he believed all would agree in them ultimately, and particularly as to the payment of the judge's salary

and the other great principles of the bill, but whether their Lordships were willing to adopt, or not adopt it now, he could not state.

Lord *Brougham* entertained, as he had before stated, the strongest objections to many of the details of this bill. As for being guilty of the slightest inconsistency in asking for this bill and now objecting to it, it was not more than if he had asked his noble and learned Friend for bread, and his noble and learned Friend had given him a stone. He had asked for a particular bill, and another, altogether different from what he had expected, was presented to him. Was it not a shame to expect him to eat a stone? If they had given him the bread he had asked for he would have eaten it; but with a portion of the bread they had given him two large flint pebbles, and his noble and learned Friend expected him to swallow them also. He would not attempt to do anything of the kind. The authors of this bill had given him two principles which he could not digest under any circumstances. His noble Friend had stated, that he had repeatedly asked for this bill. He did not deny that he had long urged his noble Friend to bring forward a measure on the subject, and the matter would have been settled, if it had been brought forward at an earlier period of the Session. His noble Friend seemed to think, that he had gained a great triumph in charging him with having administered, in the opinions that he had put forth, a heavy blow, and a great discouragement, to the representative system; but his noble Friend's observations applied to some office bearers, which was very different from the distributors and administrators of justice, who were undoubtedly appointed by the Crown, but they were irremovable. He cared not whether it was a heavy blow, a discouragement, or not, as he felt convinced that it was not a right source from which to take a judge, and that you should not allow him to be one day seated on the bench, and the next to make his appearance on the hustings. The sort of conduct which a popular constituency naturally expected was not becoming in any judge. He might be told, that the Master of the Rolls might also sit in Parliament, and that his noble Friend did so when he held that situation. He was rather surprised that his noble Friend had not made an *argumentum ad hominem* on

this point, but he admitted the objection existed in this case. He recollected that he once had a conversation with one of the most acute and able men that the world had produced—he meant the late Mr. Fox, on the subject of the learned and distinguished father of his noble Friend opposite (Lord Ellenborough) having a seat in the Cabinet, while holding the office of Lord Chief Justice. Mr. Fox stated, that he could give a dozen instances to justify the proceeding, and supported it with powerful argument, and concluded with doing him the honour of asking him what he thought of the matter, and he replied, that he was not convinced, notwithstanding the exertions made to justify the course then taken. The arguments used convinced neither the Bar nor the public; and his noble Friend's revered father himself said, some time afterwards, that if it was to do over again, he would not consent to it. His noble Friend had alluded to his having held the office of Lord Chancellor, but the Chancellor was a political man, and was removable at every change of government, or whenever occasion required. This was very different from the judge of the Admiralty, who had a great criminal jurisdiction, and was a member of the Central Criminal Court, and might be called upon to sit in trials of high treason. He was not on the same footing as the Lord Chancellor, who was known to be a political man, and to hold his office at the will of the Crown. As for the dispensation of patronage that he had, it was a very disagreeable part of the duty of his office; and he did all in his power while Lord Chancellor to get rid of it, and diminish it, for which he was very much blamed, as his noble Friend very well knew.

The House divided on the original question:—Contents 23; Not-Contents 34: Majority 11.

List of the CONTENTS.

DUKES.		Leitrim
Argyll		Lichfield.
Somerset		VISCOUNTS.
Richmond.		Melbourne
MARQUESSSES.		Duncannon
Normanby		Falkland
Conyngham		Lismore.
Lansdowne.		LORDS.
EARLS.		Cottenham
Minto		Holland
Iichester		Colborne

Stanley Foley
Seaford Barham
Lilford Sudeley.

List of the NOT-CONTENTS.

ARCHBISHOP.	VISCOUNTS.
Armagh.	Strathallan
	Strangford
DUKES.	Gage
Dorset	Hawarden
Wellington.	Canterbury.
MARQUESS.	LORDS.
Ormonde.	Colville
	Sondes
EARLS.	Redesdale
Abingdon	Ellenborough
Galloway	Sandys
Beverley	Prudhoe
Liverpool	Rayleigh
Rosslyn	Wharnccliffe
Harrowby	Fitzgerald
Verulam	Lyndhurst
Sheffield	Cowley
Eldon	Wynford
Munster	Brougham
Ripon.	De L'Isle.

Paired off.

CONTENTS.	NOT-CONTENTS.
Norfolk	Thomond
De Mauley	Stuart de Rothsay
Carlisle	Hertford
Albemarle	Winchester
Hill	Tankerville
Gosford	Glengall
Stafford	Tenterden
Clarendon	Charleville
Methuen	Wicklow
Mostyn	Boston
Bp. of Peterborough.	Falmouth.

Bill put off for three months.

HOUSE OF COMMONS,

Tuesday, August 13, 1839.

MINUTES.] Bills. Read a second time:—Consolidated Fund; Exchequer Bills (12,056,050*l.*); Corporate Property (Ireland).—Read a third time:—Excise Licenses (Sale of Spirits); Real Estates Liability; Sheriff's Exemption; Joint Stock Banking Companies; and Tithe Commutation Acts Amendment.

Petitions presented. By Lord G. Somerset, from Manchester, against the Manchester Police Bill.—By Mr. Bolling, from Bolton, against the Bolton Police Bill.

BIRMINGHAM POLICE.] Lord J. Russell moved the third reading of the Birmingham Police Bill (No. 2.)

Mr. Scholefield, agreeably to the wishes of a majority of the inhabitants, and of the whole of the town-council of Birmingham, felt it his painful duty to oppose the motion of the noble Lord, and moved, as an amendment, that it be read a third time that day three months.

The House divided on the original question.—Ayes 38; Noes 8: Majority 30.

List of the AYES.

Acland, Sir T. D.	Kemble, H.
A'Court, Captain	Macaulay, T. B.
Bernal, R.	Mildmay, P. St. J.
Blackburne, I.	Palmer, C. F.
Boldero, H. G.	Parker, J.
Bridgeman, H.	Parnell, rt. hon. Sir H.
Briscoe, J. I.	Philips, M.
Cochrane, Sir T. J.	Pryme, G.
Dalmeny, Lord	Rich, H.
Darby, G.	Russell, Lord J.
Donkin, Sir R. S.	Somerset, Lord G.
Douglas, Sir C. E.	Surrey, Earl of
Eliot, Lord	Talfourd, Mr. Serjt.
Freshfield, J. W.	Thomson, rt. hn. C. P.
Grey, rt. hon. Sir G.	Vere, Sir C. B.
Hinde, J. H.	Wood, G. W.
Hodges, T. L.	Yates, J. A.
Holmes, W.	
Hoskins, K.	TELLERS.
Howick, Lord Visct.	Baring, F. T.
Hutton, R.	Steuart, R.

List of the NOES.

Aglionby, H. A.	Vigors, N. A.
Ewart, W.	Wakley, T.
Finch, F.	
Hindley, C.	TELLERS.
Salwey, Colonel	Scholefield, J.
Thorneley, T.	Duncombe, T.

Bill read a third time, and passed.

MANCHESTER POLICE.] Lord John Russell moved that the Manchester Police Bill be committed.

Lord G. Somerset, in consequence of the statement of the hon. Gentleman the Member for Manchester, had been induced to give his support to the second reading of this bill, believing, from what was then stated, that unless some such measure were passed, there would in a short time be no police force in Manchester. Since that discussion, he had been at some pains to ascertain how the facts stood, and the result was, he had come to the conclusion that this bill was not called for by the necessities of the case. The noble Lord founded the present measure on the propriety of having a large and efficient police force in the town of Manchester, in consequence of the disturbed state of that district; but he maintained, there had been no such overt acts in Manchester as justified the House in passing such a stringent bill as the present. He was quite aware that yesterday there had been some windows broken, but he was also aware that that violence had been put

down by the police force now in existence, without any necessity for employing the military force. There were now 220 persons well organized, and trained to their duty; they had been organized for a number of years; and the system of watch, as he had been informed, could not be improved. The situations of the towns of Manchester and Birmingham were totally different. In Manchester they had a good disciplined police force, fully equal to anything that might be required of them, acting under the directions of legally constituted authorities. No such occurrence as the riots in Birmingham had occurred in Manchester, nor had the interference of the military been required to put down riots in Manchester. In Birmingham, the case was otherwise, because there they had no properly organized police force, and no local authorities to direct them, such as existed in Manchester. In Birmingham, where the Government interfered, and proposed to pay the police by public money, he acknowledged their right to pass such a measure; but in the case of Manchester, the funds were to be furnished exclusively by the local authorities; and, therefore, he could not acknowledge the passing of the Birmingham bill was an argument in favour of the present measure. So far as he understood, whatever might have been done or said by the town council of Birmingham, there had been no demonstration there of public feeling against the bill for establishing a police in that town; but the case was very different in Manchester. A very large meeting had been held since the introduction of the bill was announced, and it was attended by persons professing all shades of politics—every one, Conservative, Whig, and Radical, all unanimously said the present measure was wholly unnecessary. It was only on the Saturday that it was known at Manchester the bill had passed a second stage, and on the Monday following, the petition had received the signatures of 7,000 inhabitants of Manchester, of all shades of political opinion, representing the property and respectability of the town, strongly deprecating the measure; and yet those were the persons for the protection of whose lives and property the noble Lord said the measure was absolutely necessary. Those persons differed with the noble Lord *in toto*, and said the measure was uncalled for. They were of opinion that the ordinary police were perfectly efficient.

What could be the reason of that expression of opinion, except a strong conviction on the part of these petitioners that the measure was not necessary for the preservation of the public peace, and for the protection of life and property? The commissioners had a legislative right to levy a rate for the police, and if that was refused, they had power to apply to the Court of Queen's Bench for a mandamus; and, therefore, there was no chance of Manchester being left without a police force up to July 1840. As far as he could understand the opposition of the inhabitants to the measure had not a tincture of party spirit about it; on the contrary, Radicals, Conservatives, and Whigs, all joined in saying the bill was totally unnecessary. So far from tending to establish peace and tranquillity, and tending to the good government of the town of Manchester during the discussion, as regards the validity of the charter granted to that town, he believed that this bill would be attended with a directly different effect. So far from producing unanimity, he believed it would increase the prevailing difference of opinion. Considering that the passing of a coercion bill was not a likely way to heal discord, or promote the tranquillity of the town, he moved, as an amendment, that the bill be committed that day three months.

Mr. *M. Philips* said, the noble Lord had been pleased to refer to the statement which he had made upon the previous discussion of this measure. The statement he then made was perfectly candid and correct. He felt himself in a very unpleasant situation in coming forward to support a bill, which he believed was necessary for the tranquillity of the town which he represented, but which he admitted did partake somewhat of an unconstitutional character. It had been represented that a considerable amount had been collected by the police commissioners. But the point which it was important to bear in mind was, whether their power of collecting the rates could be relied on. And he begged to direct attention to the 124th clause of the 11th Geo. 4th, the Act under which the commissioners were empowered, and it would be seen, that by this clause, any parties depositing the amount of a disputed rate with the collector, and giving notice to the commissioners, might appeal against such rate to the Quarter Sessions, within four months.

Now, there was a great distinction between paying and depositing. Money deposited, he considered could not be appropriated. The collector dare not apply the money so deposited with him to the usual purposes—till the *vexata questio* was settled: till then, the money was as though paid into court. But there was nothing to prevent parties objecting to the rate, from suffering distress, and putting in a *replevin*, thus postponing the decision for nine or twelve months. He thought the present measure wisely and judiciously framed, and calculated to prevent those heartburnings which would otherwise prevail. It should be borne in mind that there were, in fact, two bodies of police in the town, one that of the corporation, the other that of the commissioners. And he thought, that instead of co-operating together, which it was scarcely possible to expect, seeing that they were directed by opposite parties, instead of co-operating to preserve the peace, they would themselves be found the disturbers of the peace. The selection of the force, he considered, would be best committed to persons unconnected with the party feeling so prevalent in the town. As to Salford, it had its own local Act, similar in effect to the Manchester Act; and there being no disputes in Salford on the subject of contesting jurisdictions, if the police were inefficient (and he was not aware that they were), they could be increased to any extent under that Act. He had no wish to make any remarks on the manner that signatures had been procured to the petition presented by the noble Lord; but he must say that, according to the accounts he had received, the parties who had been most active in getting up that petition, and who were so conscientious that they would not permit the Zoological-gardens of the town to be visited on Sundays, on the ground that it would be a desecration of the Sabbath, had been zealously employed, nevertheless, in canvassing for signatures to that petition during Sunday.

Mr. *Grimsditch* believed the bill to be unnecessary; and he asked, why not introduce a short bill to settle the disputed point? The commissioners and the corporators were many of them the same parties. There was no evidence offered to the House to prove that they ought to pass such a bill as this. He thought there must be some pressure upon the noble

Lord, to induce him to bring in such a coercive measure as this. He wished the House to pause before they sanctioned it. He was sure it would be received with dissatisfaction. The manufacturing towns were not in a position to bear the imposition of additional burdens. He hoped the noble Lord would show the necessity which existed for this measure. The situation of Manchester was entirely different from that of Birmingham. As regarded the town of Bolton, too, the burden would be intolerable.

Mr. *P. Thomson*: It had been stated, that no reason had been brought forward for passing the bill. Why, the fact was, that the reasons adduced were so strong that the noble Lord, who now proposed the amendment, had been induced by them to vote for the second reading of the bill. It had been contended, that the case was not parallel with that of Birmingham; he contended that it was so, as far as the necessity of providing some police force went. The very circumstance, that in the threatened disturbance of yesterday the existing police at Manchester had been able to preserve the peace of the town, formed the strongest reason in favour of this bill. The fact was, that neither the town-council nor the commissioners possessed the means of continuing that police force, and unless this measure was passed, the town would be exposed to repetitions of the scenes of yesterday. He would not enter into details, as they had been already fully argued by his hon. Friend and colleague. He should give the bill his most sincere and cordial support.

Mr. *Brotherton* had always been a supporter of every liberal measure, but he never would oppose any bill that he deemed essential for the preservation of the public peace. The hon. Gentleman opposite said there had been no riots, no burnings in Manchester, and therefore they would not support the passing of this bill. Was he, then, to suppose, that these hon. Members thought the House ought to wait till such outrages actually occurred, and only then adopt proper measures to restore tranquillity? Manchester consisted of six townships, and the commissioners of police had no jurisdiction in five of them. They had no power to extend their jurisdiction beyond the principal township of Manchester, and the other five were thus left without a police. He was

sorry to see that persons of great weight and authority had in this case associated themselves with improper parties to gratify a factious feeling, regardless of the real peace and welfare of the town. A public meeting had been got up, in a population of 280,000, which, by great exertions, had been attended by about 2,000 persons. He understood great exertions had also been made to get the books completed, and several of the leading men, large rate-payers, had set an example by paying their rates; but the great bulk of the people would not pay the rates. He did not like the bill; he admitted that, and would not vote for it if he could get anything else that he thought likely to preserve the peace of the town; but he should support it from what he considered to be the necessity of the case.

Mr. *Bolling* had supported the second reading of the bill, but, from the communications he had received from his constituents, he was now prepared to oppose all those bills, as he thought the peace of the district would be best preserved by their withdrawal.

Lord *J. Russell* said, the clause of the bill most opposed by hon. Gentlemen was that one which the right hon. Gentleman, the Member for Tamworth, said it was his duty to propose, as conservator of the peace of the country; why it should be good for Birmingham, and should not be applied to Manchester, he did not know. His duty was to take steps for the preservation of the peace in every place wherein it could not be done by the local authorities. According to the opinions he had taken, if the charter of incorporation was good, the whole power of raising rates for the support of the police was vested in the corporation; and, therefore, immediately there was a decision in a court of law that the charter was good, that decision would carry this consequence, that all rates for the purpose of police should be ordered by the council, and that all other rates levied by others would be bad rates. In that case, it was evident that many parties would hesitate to pay at present, because they might have to pay all rates due over again from a certain day. That was not merely a legal view taken by those who had given that opinion, but it was supported by the conduct of the police commissioners themselves; because a protest had been signed by 92 commissioners out of 240, declaring the rate to be illegal,

and advising the rate-payers, for their own sake, not to pay it. He did not think the police in Manchester was in a satisfactory state, when, on the one hand, there were parties refusing to pay the rate to the corporation, and, on the other hand, parties denying that the police commissioners had any power to levy the rate. He had very recently received accounts, both from the civil and military authorities of that town, stating that mobs had collected at different places, for the purpose of inducing men to leave their work, and to produce a general strike by means of terror and intimidation. The police were immediately sent to disperse the mob, two of whom had threatened to set fire to the mills. The military were called out in support of the police, and the police were then able to act; they were successful in taking several into custody, and dispersing the remainder. Now, what would have been the case if there had been no local police in the town, and the commissioners had been unable to maintain an efficient police? Why, the military would have been called out, and, instead of standing by, and enabling the police to take those men into custody without injury, they would have charged the rioters, and there might have been loss of life. Would the House be justified in not adopting measures to preserve the public peace? And would they say that the loss of life was a matter of indifference to Parliament? He was, at least, bound to urge this bill on the House; and if those lamentable consequences should arise, owing to the want of an efficient police, in consequence of the rejection of the bill, it would not be because the Government had failed to urge this subject on the House, but because Parliament had refused to interfere. That was the short statement he wished to make in support of the bill. He knew that there were parties at Manchester who opposed the bill, and he was sorry that those parties did not confine themselves to their own means, and to their own respectable parties; but they had sought the aid of a great many of those who were the enemies of the law, who certainly acted most consistently, because, if they prevented any efficient police being established, their lawless objects would be aided, and their means of intimidating the loyal subjects of the Crown would be promoted. He would ask that House, however, whether they would countenance such views, or sup-

port a bill which was essential for the maintenance of peace, and the protection of life and property?

Colonel *Salwey* admitted the necessity of a police in all large towns, but then that police ought to be a constitutional force, and he did not think the police sought to be established by this bill would be constitutional. The military would be glad to be relieved from a most painful duty, and which was repugnant to their feelings; but any police force that was established ought to be established under the entire control of the parties who required it.

Mr. *C. Buller* had never heard more unfounded imputations than those which had been thrown out against the opponents of this bill. It had been argued by the noble Lord and the other supporters of this bill, that its opponents were adverse to the establishment of an efficient police—that they were the friends of riot and disturbance—and that they wished to see the people killed by the soldiers. Even the hon. Member for *Salford* had joined in those imputations, and said that the opponents of the bill were actuated by factious motives. Now, he certainly did not generally agree with hon. Gentlemen opposite, but in this case he certainly did, because he agreed with them in their desire to see the public peace preserved by the old constitutional forms. Hon. Gentlemen opposite thought, no doubt, that that object could be accomplished by means of the old police commissioners. He did not acquiesce in that course, because he thought the police of *Manchester* and *Birmingham* should be under the control of their respective town-councils, freely chosen by the inhabitants. But then he joined hon. Gentlemen opposite in resisting this bill, which placed the police of those towns in the hands of persons to be appointed by a central government. The noble Lord had said, that the course proposed to be adopted by this bill was suggested by the right hon. Baronet the Member for *Tamworth*. All that the right hon. Baronet had said was, that under the particular circumstances of the case, he should wish that principle to be applied to *Birmingham*, and he had not said when he gave that inch he wished the noble Lord to take an ell, and go on applying this centralized system of police to the whole country. If the right hon. Baronet did not think it worth while to be

present and support the bill, he would not allow him to be run down in his absence, by an insinuation that he was for supporting arbitrary and unconstitutional power. He had opposed these bills from the very outset. He thought the Government were treading on dangerous ground. That opinion might be erroneous; but nothing could be more unfair than for the supporters of the bill to attribute factious motives to its opponents; and should it happen that by a kind of miraculous interference, and aid from hon. Gentlemen opposite, he should be exceedingly glad if they should by their united efforts succeed in throwing out this measure. He asked the House, and he asked the Government if it were decent, at this period of the Session, when so many Gentlemen of opposite political feeling joined in eprecatating this bill as hostile to the best interests and liberties of the country, to persist in pressing this measure without a more deliberate appeal to the opinion of Parliament.

Mr. *Briscoe* said, that the bill was not of a permanent nature. The noble Lord had distinctly stated that it was to continue only till the disputes relative to the validity of the charter was settled by the Court of Queen's Bench. He had no intention of attributing motives to hon. Members, but certainly their conduct wore the appearance of faction, and seemed to proceed from a desire to embarrass the Government. But he believed that the good sense of the people of England would induce them to view the matter differently, and that the result would tend much to strengthen the position of the Government. He trusted that the bill would be carried by a considerable majority. The Government were entitled to the gratitude and confidence of the country, for having introduced it solely from a desire to promote the peace and prosperity of *Manchester*.

Mr. *Kemble* felt considerable difficulty in making up his mind as to the course he should adopt in regard to this bill. He should object to a bill of this nature, if he did not conceive it was required by the necessity of the case. But he could not agree in thinking that, because there had been no such riots and outrages committed in *Manchester* as had taken place in *Birmingham*, they should, therefore, wait till they had actually happened, instead of taking means to prevent their oc-

currence. It appeared to him that if the House did not pass this bill, it would incur an immense hazard, and he should vote for it.

Mr. *Hume*, before the House divided, wished to state very shortly the grounds on which he should give his vote. He had opposed the Birmingham Police Bill, because it was against the wishes of the town-council of Birmingham. He should now state the reasons why, on this occasion, he should take a different course. The magistrates and corporation of Manchester were a popular body. The bill is supported by the whole of that corporation. While the whole town-council of Birmingham were against the Police Bill for that town, the whole town-council of Manchester were to a man in favour of this bill. As regarded the petition which had been presented by the noble Lord opposite, the fact was, that out of a population of 280,000, that petition had been got up almost entirely by Conservatives; and as the mayor and every one of his colleagues, freely chosen by a large majority of the inhabitants, were in favour of this bill, he could not refuse to give them his vote and sanction. He certainly wished to see the police in every town in the hands of its corporation; but when he found every one of the Manchester town-council saying they wished for this bill, as a temporary means of preserving the peace of the community—and particularly when he referred to what had so lately taken place, with a view of inducing the people to leave their work at the factories—he thought the House was called upon to support the measure, because, by supporting the bill, they were, in fact, supporting the corporation.

Mr. *T. Duncombe* said, the House was placed in a situation of difficulty between the speeches of the hon. Members for Westbury and Kilkenny. But he looked to the petition as emanating from men of all parties, signed by 7,200 rate-payers, composed of men of all shades of politics, Tories, and Radicals, and Whigs, if such things could be found in Manchester. The noble Lord laboured under a most extravagant delusion in supposing that the opponents of this bill were indifferent to the loss of human life. He never heard any one in that House say that the loss of life was unimportant. He declared freely that it was the duty of the Ministry and of the House, to preserve the peace and

protect property, but that might be done without violating the dearly-cherished rights of the people. These bills violated the sacred principle of local and self-government, and he asked hon. Members to reject it on principle, without any reference to party politics. The people ought to have the control of their money, whether it was expended for the relief of the poor, or for the preservation of the peace. If a contrary principle should once be adopted, it would not stop either at Birmingham or Manchester, but would be extended throughout the country, whenever the miserable fears of the ministry of the day should induce them to make such a proposition.

Sir *R. Price* was surprised at the speech of the hon. Member for Liskeard. A few days since he exclaimed against the Government for having the support of hon. Gentlemen opposite, and now he very readily votes with them himself. He thought the House would assume a fearful responsibility in rejecting the measure, which he believed to be both necessary and constitutional, and which he earnestly entreated the House not to be so foolish as to throw out.

Sir *C. Grey*: According to the old constitutional law of the country, the police were held to be appointed by the Crown. Everybody knew that the old constabulary force was appointed by the magistrates, and the magistrates held their commissions from the Crown. That was the general principle; but there were exceptions, as in the case of town councils having charters with a *ne intromittant* clause. Those gentlemen who argued that this bill was unconstitutional, were bound to show that the town of Manchester came under that class of exception. The validity of the charter was disputed, and it seemed doubtful if there were any elective body in those towns to choose or manage a police. What course, then, could the Government adopt more in accordance with the ancient theory and practice of the constitution, than that of appointing a police force, pending those disputes, under the direct authority of the Crown? He should cordially vote for the bill.

Mr. *Fielden* considered the bill entirely a party measure, brought forward for the purpose of giving strength to the charter. The passing of it would only kindle dissatisfaction into a flame. If the

House would only let the people alone, there would be no fear of the peace of the town. If he had property in Manchester, he should have much more apprehension for its safety after the passing of this bill, than without it. He should, therefore, oppose it.

The House divided on the original question :—Ayes 63 ; Noes 17 ; Majority 46.

List of the AYES.

Adam, Admiral	Morpeth, Viscount
Aglionby, H. A.	Muskett, G. A.
Baring, F. T.	O'Connell, M. J.
Barry, G. S.	O'Ferrall, R. M.
Bernal, R.	Oswald, J.
Bridgeman, H.	Parnell, rt. hn. sir H.
Briscoe, J. I.	Pechell, Captain
Broadley, H.	Philips, M.
Brotherton, J.	Pigot, D. R.
Chetwynd, Major	Price, Sir R.
Chichester, J. P. B.	Pryme, G.
Dalmeny, Lord	Redington, T. N.
Divett, E.	Rice, rt. hon. T. S.
Donkin, Sir R. S.	Rich, H.
Ellis, W.	Rolfe, Sir R. M.
Ewart, W.	Russell, Lord J.
Freshfield, J. W.	Rutherford, rt. hn. A.
Gaskell, J. M.	Smith, R. V.
Grey, rt. hon. Sir C.	Somerset, Lord G.
Grey, rt. hon. Sir G.	Stanley, hon. E. J.
Hinde, J. H.	Steuart, R.
Hindley, C.	Stock, Dr.
Hobhouse, rt. hn. sir J.	Surrey, Earl of
Hobhouse, T. B.	Talfourd, Serjeant
Hodges, T. L.	Thomson, rt. hn. C.P.
Hoskins, K.	Thornely, T.
Howick, Viscount	Troubridge, Sir E. T.
Hume, J.	Vere, Sir C. B.
Hutton, R.	Vigors, N. A.
Kemble, H.	Warburton, H.
Labouchere, rt. hn. H.	Wood, G. W.
Macauley, T. B.	Yates, J. A.
Mildmay, P. St. John	TELLERS.
	Stanley, hon. E. J.
	Parker, J.

List of the NOES.

Attwood, T.	Hector, C. J.
Blackburne, I.	Holmes, W.
Bolling, W.	Lincoln, Earl of
Buller, C.	Lowther, J. H.
Cochrane, Sir T. J.	Polhill, F.
Darby, G.	Salwey, Colonel
Duncombe, T.	Williams, W.
Ellis, J.	TELLERS.
Fielden, J.	Somerset, Lord G
Finch, F.	Grimsditch, T.

House in Committee.

On clause 1,

Mr. *Hindley* moved that the words "her Majesty" be omitted, and the words "town-council" inserted in their place.

The Committee divided on the clause as it stood :—Ayes 65 ; Noes 10 ; Majority 55.

List of the AYES.

Adam, Admiral	Lincoln, Earl of
Blackburne, I.	Lowther, J. H.
Boldero, H. G.	Macauley, T. B.
Bolling, W.	Morpeth, Lord
Bridgeman, H.	Muskett, G. A.
Briscoe, J. I.	O'Connell, M. J.
Broadley, H.	O'Ferrall, R. M.
Chetwynd, Major	Oswald, J.
Chichester, J. P. B.	Philips, M.
Cochrane, Sir T. J.	Pigot, D. R.
Crawford, W.	Polhill, F.
Dalmeny, Lord	Price, Sir R.
Darby, G.	Pryme, G.
Divett, E.	Rice, rt. hon. T. S.
Donkin, Sir R. S.	Rich, H.
Douglas, Sir C. E.	Rolfe, Sir R. M.
Ellis, J.	Russell, Lord J.
Ellis, W.	Rutherford, rt. hon. A.
Freshfield, J. W.	Smith, R. V.
Gaskell, J. M.	Somerset, Lord G.
Gordon, R.	Stanley, hon. E. J.
Grey, rt. hon. Sir C.	Steuart, R.
Grey, rt. hon. Sir G.	Stock, Dr.
Grimsditch, T.	Surrey, Earl of
Hinde, J. H.	Talfourd, Serjeant
Hobhouse, rt. hn. sir J.	Thomson, rt. hon. C.P.
Hobhouse, T. B.	Troubridge, Sir E. T.
Hodges, T. L.	Vere, Sir C. B.
Hoskins, K.	Warburton, H.
Hume, J.	Wood, G. W.
Hutton, R.	Yates, J. A.
Inglis, Sir R. H.	TELLERS.
Kemble, H.	Baring, F. T.
Labouchere, rt. hon. H.	Parker, J.

List of the NOES.

Aglionby, A. H.	Thornely, T.
Attwood, T.	Vigors, N. A.
Brotherton, J.	Williams, W.
Ewart, W.	
Fielden, J.	TELLERS.
Hector, C. J.	Hindley, C.
Salwey, Colonel	Duncombe, T.

Clause agreed to.

Bill went through the Committee.

House resumed.

THE BOLTON POLICE BILL went through Committee.

LIGHTING THE HOUSE.] Sir *F. Trench* rose to bring forward his motion :

"To call the attention of the House to the experiments submitted to the Bude Light Committee, and to move, that the lustres be furnished with candles, short threes to the pound, instead of long threes, which give no more light than six to the pound, and which, therefore, defeat the intention of making a fair comparison between the power of the wax light and Bude light."

The hon. and gallant Officer said, he was aware of the ridicule which attached

to the subject, but his object was to add to the comfort of the House, and to obtain fair play for the wax lights, in competition with the Bude light. He wished fair play for the gentleman's light, against the philosopher's light. Nothing could be more unfair than the proceedings of the committee. He admitted that the Bude light was magnificent, but it was utterly unfit to be used in that House. It might answer in a new House, but it could not be adopted in the present House without great danger, and he was astonished that the Chancellor of the Exchequer should have lent himself to the wild proceedings of the committee. Among other suggestions, it had been proposed that the House should be furnished with calico curtains—calico covers for the seating—and it was recommended, as the means of adding still more to the effect, that the Members should be attired in calico garments. The additional sixty candles added to the lustres, were of an inferior quality, so that they gave no more light than formerly. Perhaps the hon. Gentleman in the chair, would recollect a letter which he had the honour to address to him on this subject, in which he proposed that the lustres should be furnished with short threes instead of long threes. He wished to have the comparison tested fairly, and although he was aware of the contempt with which such a matter must be viewed, yet, as it had been originally put into his hands, he felt called upon to go through with it, and only asked for a fair comparison between the power of the wax light, and the Bude light.

Sir R. Inglis thought the House greatly indebted to his hon. and gallant Friend for the trouble he had taken in the matter, and for the improvements he had introduced in the lighting of the House.

The Chancellor of the Exchequer suggested that the hon. Member should leave the matter in the hands of those who was responsible for lighting the House.

Motion withdrawn.

HOUSE OF COMMONS,

Wednesday, August 14, 1839.

MINUTES.] Bills. Read a first time:—King's Inn, Dublin; Attorneys and Solicitors (Ireland).—Read a third time:—Patents for Inventions.

Petitions presented. By Mr. O'Connell, from Waterford, and National Trades' Union (Ireland), against the Bank of Ireland Bill; and from Linen Manufacturers of Belfast, and Carrickfergus, for the Amendment of the Law relative to the Linen Manufacture (Ireland).—By Sir

Thomas Freemantle, from Edinburgh, for the Extension of the Church Establishment; and from the Nottingham Board of Guardians, against the Poor-law Commission Continuance Bill.—By the Chancellor of the Exchequer, from Boinere, Claydon, Ramsgate, and Yeovil, against the Sale of Beer Bill.

CHURCH DISCIPLINE BILL.] Lord J. Russell moved the Order of the Day for a committee on the Church Discipline Bill. It was undoubtedly, he said, the wish of her Majesty's Government to have passed some legislative measure on this subject during the present Session. But as the bill had undergone very extensive alterations since its first introduction into the other House of Parliament, and as it was desirable that the matter should be fully and deliberately considered, he did not think it would be possible to proceed further with it at present. He should be glad, however, that the hon. Baronet, the Member for the University of Oxford, would state what amendments he thought it necessary, or intended to move, in the event of the House going into committee on the bill.

Sir R. Inglis: When this bill was before the House a few days since, he distinctly stated that he would give no opinion on its merits either for or against. It had been, indeed, brought early into the other House of Parliament, but in the committee of that House its provisions had been materially altered: and, since that alteration, there had been no time to circulate the bill in the country. A great majority of those whose social condition would be essentially affected by the measure, were, accordingly, wholly ignorant of its provisions as it had been sent down from the other House, and it would, therefore, be most unjust to the great body of the clergy to press the bill forward this Session. He should not, however, be tempted to enter into any premature discussion. All that he asked was, that sufficient time should be given to the parties whose interests would be affected by this bill to make themselves properly acquainted with its provisions, the same as would be given to others—to soap-boilers, for instance, or any other class of the community. He merely wished that the clergy should receive the same protection and the same opportunity of obtaining information, as would be given to other parties whose interests might be affected by the provisions of any particular bill. He thought it most objectionable to submit the offences of the clergy in all cases to a lay tribunal, and to the judgment of persons not only not in communion with the Church, but perhaps directly opposed to its doctrines and government. That was

dealing out a measure of injustice to the clergy, from which all other classes of the community were exempt. He did not wish to screen the clergy from investigation into their conduct. He only wished that the tribunal by which their offences were to be judged, should be bound to them by some known common sympathy, and not be composed of persons holding convictions opposed to the Church. It would be more in accordance with the principles of correct ecclesiastical discipline that in offences—not in crime—because, in regard to crime, the clergy, were, of course, subject to the same tribunals as the laity—but, in what might be called offences simply and purely ecclesiastical, it would be much more correct and just that the correction of them should be confided to ecclesiastical persons, and to the bishop above all.

Committee on the bill put off for that day three months.

RURAL CONSTABULARY.] Lord J. Russell moved the third reading of the Country and Constables District Bill.

Bill read a third time.

Several clauses by way of rider were added.

Lord G. Somerset observed, that he thought the clauses from 1 to 6 did not, with sufficient clearness and force, enjoin the high constable to carry the orders which he might receive, into full operation. He admitted that this objection was rather technical than substantial. Another objection to a matter of detail which struck his mind was this, that the constables under the bill would wholly supersede the parochial constables. Though he did not think parochial constables the best possible force, he still thought it desirable that the power of summoning them should continue to exist, in order that they might be made available in the absence of the police constables. With respect to the rules and regulations, he fully concurred in the expediency of leaving the Home-office in possession of complete executive powers; at the same time, it was only right that the magistrates in the several counties should be permitted to express to the Home Secretary the view which they took of those regulations before Government should finally adopt them. On these points he wished to understand what course the noble Lord intended to pursue.

Lord J. Russell did not think the provisions of the bill, particularly as regarded the rules to be made by the Secretary of

State, were liable to the objections which had been urged by the noble Lord. At the same time, he was ready to admit that the suggestions of the noble Lord deserved consideration, and he should therefore consent to postpone further proceedings until to-morrow (this day), with the view of affording an opportunity to his learned Friend the Solicitor-general of rendering the measure as perfect as possible, by availing himself of the various suggestions which had been made.

Further proceedings with the bill postponed.

EJECTMENTS (IRELAND)—THE EARL OF COURTTOWN.] Mr. Shaw begged leave, before the House proceeded to the business of the evening, to read a statement which he had received from Mr. Robert Owen, agent to the Earl of Courtown, explanatory of certain proceedings which had taken place in the noble Earl's estate. He thought it only fair to the noble Earl to do so, as his conduct had been impugned in that House:—

“The townland of Coonogue, in the county of Carlow, was let about seventy years ago to one tenant: it consists of between 200 and 300 acres of very poor mountain land. The lessee made several sublettings and divisions of it, and at the time the lease expired, about October, 1837, this townland was found cut up into nearly forty farms, or rather wretched holdings, occupied by mere paupers. These under-tenants had been recognised by Lord Courtown or his agents, and they were given distinctly to understand, that they could not be suffered to continue on the lands when the lease expired. From October, 1837, until the beginning of June in the present year, they were allowed to occupy. Every indulgence and allowance was made to them to provide for themselves elsewhere, and then selection was made by which twelve families out of about thirty (not 220, as stated by Mr. O'Connell) were to continue at least for some time longer on the lands, and the remainder were to be removed. A very ample allowance being made to them for future provision, they all professed themselves, with one exception, fully satisfied with this arrangement; but on the sheriff going to the lands in June, an immense mob assembled, the tenants refused to give possession; the proceedings of the mob were violent in the extreme, and the sub-sheriff was deterred from executing the *habere*. Some local circumstances prevented the sheriff making a second attempt until the 7th instant, when he did so with a large force, and the possession was taken without opposition, although great numbers of people were assembled; and so strongly were the neighbouring

tenantry on Lord Courtown's estate convinced of the wrong done to his Lordship by these misled and deluded people, that they assisted most willingly and efficiently in taking possession. His Lordship's estates in that county are almost exclusively occupied by Roman Catholics, and the parties assisting in taking possession were all of that denomination. They are all treated with the utmost kindness and consideration, their wants supplied most liberally, and their condition in every respect improved by most careful and exact superintendence; and I am sure he has not a single tenant on his very extensive estates in that county, who does not know him to be a kind and as liberal a landlord as any either in England or in Ireland. For myself, as his Lordship's agent, it is not for me to defend my own conduct by praising myself, but I should be most happy to be judged on the question of, whether I act with cruelty or oppression, by the tenantry on that very estate. I have been now an agent over very large properties in Ireland for upwards of twenty years, and I cannot call to my recollection one solitary instance where I ever was accused even of either cruelty or oppression; in the present case the blame of advising, if blame there be, rests entirely with me; but on the calmest consideration of the subject, were I to have it to do, instead of having done it, I could not conscientiously recommend any other course than that which has been adopted."

Mr. O'Connell had stated fifty-three families, but had been reported as having said 253.

BANK OF IRELAND.] The Chancellor of the Exchequer moved the Order of the Day for the House resolving itself into committee on the Bank of Ireland Bill.

Mr. O'Connell expressed his determination to oppose the bill by every means in his power. He moved, as an amendment, the "order of the second reading of the Poddle River, Dublin, Bill." He thought he might appeal to the Chancellor of the Exchequer himself, whether the House was now in the situation it ought to be, in order to discuss so important a question to the trade and commerce of Ireland. The House was now thin, and before going into committee, the dinner hour would have arrived, and he would appeal to hon. Members whether it would not then require all the influence that Ministers could exert to keep forty Members in the House. Nearly 600 of the Members had left town, and he would submit, therefore, that it was unjust to the people of Ireland to force the bill forward. No reason had been stated why the bill had not been brought forward sooner. The report on which it was

founded had been published twelve months, and full five before the commencement of the present Session; and, with all this information, the first intimation of proceeding with the bill was extorted from the Chancellor of the Exchequer, by the hon. Member for Drogheda, on the 14th of July last. The impression had gone abroad in Ireland, that it was not intended to keep up the monopoly, and it was not until the time he had adverted to, that the least intimation had been given of the intention to continue it. Was it not important that the people of Ireland should have an opportunity of giving their opinions on this subject? Certainly it was; and yet here they were moving to go into committee on the bill when it was only ordered to be printed on the second of the present month, and was not circulated till the fourth. There was a practical delusion in the bill itself. It contained a clause by which it was enacted, that the bill was to be altered or even repealed by any bill to be introduced in the present Session. He would show the House that there was a strong delusion practised upon the people of Ireland. In the 13th section, page 9, there was a marginal note, stating, that "Banks issuing notes at places fifty miles from Dublin, may have houses of business within that limit for all purposes, except the issue or re-issue of such notes," while the text was quite at variance from it, only limiting such banks "to have another house or houses of business in Dublin, or within the said distance of Dublin, and to pay thereat their said bills or notes payable on demand, for the purpose of withdrawing them from circulation in Dublin." This was a very different thing, and might easily mislead a person looking over the Act with ordinary attention, for few people looked beyond the the margin, unless specially interested. His constituents complained also that this measure went to give a body of individuals greater power over the mercantile classes, which they used in the capacity of political partisans. [No, no !] He stated the fact on the authority of Mr. Staunton, the proprietor of the *Morning Register* in Dublin (than whom there was not a more trustworthy man alive), that the Bank of Ireland had refused to discount bills of the most unexceptionable nature, because the person who presented them had taken a part against this bill. [Name !] Mr. Staunton knew the fact, and was ready to state the name. This was the way the Bank used its immense power to crush political discussion in Dublin. There were

ten counties in Ireland affected by this bill, none of which had time to express their opinions upon it, and petition Parliament in support of their interest. They were taken by surprise. The great county Westmeath had met on the subject only the day before yesterday, and the House could not know what the opinions of the people would be till to-morrow. It was convened by a most respectable requisition. The county Meath had also called a meeting to consider the bill, and a requisition had been addressed to the sheriffs of the county Dublin to get up a similar meeting to address Parliament not to pass such a bill at the end of an idle Session of nine months without notice or proper time to consider it. His constituents felt very strongly on the matter. They wrote to him to express their belief, that the Chancellor of the Exchequer was bribed! He said that that was impossible. That he could not take a bribe in the first place, and that, in the second, no one could offer or give it to him. But they replied, "How is it possible that the —" —he (Mr. O'Connell) would not use the epithet applied to the right hon. Gentleman—"can consent to give such a monopoly into the hands of fifteen individuals, unless he is bribed or mad? Why does he give 100,000*l.* into their hands for nothing?" He would get the men who would give this sum to the Chancellor of the Exchequer for the privilege in question to-morrow. He believed, that many commercial bodies in England would have joined their appeal to the Irish, if time were permitted. But at this period of the Session he had little hope of an impartial hearing, for, as the House was now made up, the individuals who were, by their connection with Government, bound to vote with it, constituted the majority of the House—he might say two-thirds of it—at that moment.

Mr. Shaw said, he had to give a positive contradiction to the statement made by the hon. and learned Member on the authority of Mr. Staunton. No such thing ever occurred. Never, since the commencement of the proceedings on this bill, or at any other time, had the Bank of Ireland refused good bills from political motives.

The *Chancellor of the Exchequer* said, he should resist the postponement of the bill. Hon. Gentlemen knew the facility at present of ready communication with Ireland; and when he stated that it was now upwards of one month since the bill was first introduced, or rather since his statement on

which the bill was founded, it would not be said that the people of Ireland had not had time to make their sentiments known; and he must say, the application for delay came rather too late on the 14th of August. But there might have been some ground for what had fallen from the hon. and learned Member for Dublin, especially as regarded the monopoly, if the bill had been a permanent measure; but it was merely temporary, being to continue for four years only. Moreover, it only went to put the Bank of Ireland on the same footing with the Bank of England, and he was astonished, therefore, when he heard the hon. and learned Gentleman, who was ever demanding that the legislation for Ireland and England should be one and the same, exclaim so vehemently against this measure. With respect to the marginal note, there was, undoubtedly, a discrepancy between it and the text; but for this the Government could hardly be held responsible; it was an inadvertency in drawing the bill, which could readily be rectified in committee. He hoped, therefore, that the House would allow the bill to go into committee, where they could discuss its provisions, and express that opinion which was necessary, with a view to the arrangements of the Bank for the current year; for it was absolutely necessary, at all events, to provide for the public debt due to the Bank of Ireland, which was subject at present to interest at the rate of 4*l.* 7*s.* 6*d.* per cent., instead of 3½ per cent., as was proposed by the bill. On no ground, therefore, could the House refuse to go into committee.

Mr. *Hume* said, if the Chancellor of the Exchequer would state that only to be his intention, all opposition would be withdrawn. He never knew a proceeding of so much importance brought forward in the manner this had been. There was no precedent in the history of Parliamentary proceedings for the course which the right hon. Gentleman had taken. He was asked by the hon. Member for Dublin, why he did not bring it forward sooner, and could give no reason whatever. Within ten days of the meeting of Parliament, he put a question to the right hon. Gentleman, respecting joint stock banks, and he had repeated the question until it became a laughing matter whenever the subject was mentioned. On two occasions the right hon. Gentleman answered, "within fourteen days." That being the case, he trusted that the House would not consent to discuss so important a matter at this late period of

the Session. He asked on what ground the right hon. Gentleman could not give sufficient time for considering the matter? Did he not know that several counties were meeting to-day, and that others would meet to-morrow on the subject? Although the right hon. Gentleman had said that he would do something, the bill had been postponed from time to time, until it was the general belief, that nothing would be done, and he really believed that the right hon. Gentleman at last entertained that opinion himself. If it had been his intention to bring in the bill, how could he have hesitated and vacillated in the manner he had done? He would appeal to the Chancellor of the Exchequer to grant more time. Was he afraid the subject would not bear inquiry? If it was a measure which would tend to the interest of Ireland, advocates would not be wanting to support it; but it was a bad measure, and contained that which was injurious to Ireland, and therefore the right hon. Gentleman was anxious to press it forward. The present, no doubt, was a good bargain for the Bank of Ireland; but it was a most injurious one to the people of that country, whom he considered to have been most unjustly treated by this measure. The people of England, too, were left in the dark as to what they ought to know by it. Why, he would ask, should not an inquiry take place as to whether it would or not be proper to adopt the same system of banking in Ireland as at present existed in Scotland? All this might be taken into consideration if the right hon. Member would only postpone the measure to the next Session, and that would give the people of Ireland an opportunity of fairly and freely expressing their opinions. He thought the present discussion ought to have taken place upon the previous stage of the bill, and he could assure the House, that he would never have been persuaded, as his hon. Friend the Member for Dublin had been, to allow the Chancellor of the Exchequer to advance the bill a stage without opposition. On these grounds he concurred entirely with the amendment of the hon. Member for Dublin. He entreated the right hon. Gentleman to withdraw the bill for the Session, and not compel them to occupy the time of the House by further opposition. If the bill was postponed to the next Session, all parties would be satisfied. Upwards of fifteen trivial measures had already been postponed, and he could not see why the same course should not be adopted with this important measure.

Sir *W. Somerville* had been taken by surprise by the bill, and his constituents had been taken by surprise. He had been given to understand by the Chancellor of the Exchequer, that this monopoly was not to be renewed in all its force. He was in a condition to prove, that he entertained that opinion, and that the right hon. Member knew that he entertained that opinion. His constituents were under that impression, and the right hon. Member knew it. As he knew nothing of the present bill till about three weeks ago, he asked, was it fair in this hurried manner to thrust a bill of this kind through the House before the people of Ireland had had the opportunity of considering it? As he knew he should appeal to the right hon. Gentleman in vain, he would appeal to Gentlemen of all parties around them to lay aside the merits of the question, and, on the grounds that he had stated, to refuse to go into committee.

Mr. *Redington* expressed his surprise, that the right hon. Gentleman should bring forward such a bill at this period of the Session. It had gone on too fast already, and he should do all in his power to oppose it.

Mr. *D. Browne* had been requested by his constituents to give his most stringent opposition to this bill. He did not think it right, at so late a period of the Session, to smuggle so important a measure through the House, before the people had had the opportunity of petitioning against it. Under all the circumstances, the bill had very much the appearance of being a job, and the supporters of it seemed ashamed of it.

Mr. *T. Attwood* said, the fact was, the right hon. Gentleman was in debt to the Bank of Ireland two millions and a half, and there were, therefore, two millions and a half of reasons why he should proceed as he did in this singular and ill-timed way. The Chancellor of the Exchequer was not a free agent in this business, for he was dealing with his creditor. If the right hon. Gentleman would pay his debts to the Bank of England and to the Bank of Ireland, he would be able to his duty to the country and to his Sovereign; but now he was literally legislating in fetters. He should oppose this measure by all the means in his power.

The House divided on the original question:—Ayes 17; Noes 55: Majority 38.

Order of the Day for the Committee read. On the question that the Speaker do now leave the Chair,

Mr. *O'Connell* felt it his duty to take

every means in his power to delay the bill, because five times had he taunted the Chancellor of the Exchequer with the delay in bringing in the bill; but five times had the right hon. Gentleman thought proper to slur it over and say not one word upon the subject, because common sense would not bear him out. There was no analogy between the Bank of Ireland, and the Bank of England—in fact, the former was an incubus upon the latter, for although he, in accordance with opinions of the Attorneys-general and Solicitors-general for England and Ireland, thought the notes of the Bank of England a legal tender in Ireland, the bill before the House declared those opinions wrong, and made them no legal tender. But supposing they were upon all fours, had the Bank of England power to issue one single one-pound note? The measure was totally indefensible, as was seen by the desertion of the Treasury benches, by all that were not obliged to be there. Why did the Chancellor of the Exchequer confine himself to Dublin—would he dare to make the same experiment in Edinburgh? In Scotland joint-stock banking and prosperity had been concomitant at least—he had a good right then to say, that the one was dependent on the other. What was the case in Ireland? A country with a climate infinitely superior to Scotland for agricultural purposes, was in poverty and distress, being without the benefits of joint-stock banking—Scotland enjoying that system, was in almost unexampled prosperity. Had he not a right to say the one was dependent upon the other? The Chancellor of the Exchequer defended himself by saying, the public had been defrauded to a great extent by over issuing. He did not deny that; but the monopoly of the Bank of Ireland was the cause of it, as their charter limited the partners of a bank to six only—so that in place of the public having the security of 200 bankers, they often only had that of two. When all those difficulties occurred, the Bank of Ireland was in possession of all its privileges and monopolies. They stood the storm—but how? Why, by giving fresh and newer promises to pay for those sent in for payment. It was a well known fact in history, that there was no deep injury—no moral stab ever aimed at poor Ireland, that was not proposed by an Irishman. It appeared, that the Chancellor of the Exchequer intended, that as far as he was concerned, it should always be so. He had

never objected to any, even the most stringent measure, nor would he object to any one that satisfied the Legislature, for compelling joint-stock banks to give the fullest security; but though the public ought to be secured, they ought not to set up the Bank of Ireland at the expense of the joint-stock-banks, as well as the public. He felt he had trespassed too long on the empty benches—but he had endeavoured to vindicate what he thought due to Ireland. It struck him that since the world began, there never was a more unfounded demand than that made by this bill. The subject ought to be brought forward, at a period of the Session when the House was thronged, and when the question might be discussed to the advantage of all parties. He should, therefore, move as an amendment, that the House resolve itself into Committee, that day three months.

Mr. *Gisborne* could not understand why the right hon. Gentleman the Chancellor of the Exchequer, should think this such a light matter as not to be worthy of discussion. The course of the right hon. Gentleman on this subject had been somewhat devious, and he should wish to pursue it through some of its windings. That right hon. Gentleman had been chairman of a committee appointed to inquire into this subject, and the report of that committee he should presume, had been drawn up by the chairman. In that report it was stated, that one of the subjects to be inquired into, was the expediency or inexpediency of the privileges of the bank being continued; that the committee were of opinion the 1st of Victoria Chap. 39, should be renewed for one year, and that Parliament should be placed in such a situation as to be free to adopt in the next Session, such legislative measures as on deliberation might seem to be most expedient. That having been the recommendation of the committee, the Chancellor of the Exchequer, on the 16th of July, when the assizes were coming, and three-fifths of the Members had paired off and gone out of town, announced his intention of renewing the monopoly of the Bank of Ireland. Many Irish Members were absent, and out of the whole 105 Irish Members, there were only two in the House who supported the Chancellor of the Exchequer—the right hon. the learned Recorder for Dublin, and the hon. Member for Antrim, but who were not regular supporters of the Government. If the argument of the Chancellor of the Exchequer in favour of the monopoly to be conferred by

this bill was good for Dublin, it would be also good for London. He opposed the motion for going into Committee, because he was sure the bill would not effect the objects in view, and also on account of the impossibility of the Chancellor of the Exchequer knowing what were the sentiments of the Irish representatives. And he opposed it also, because it would conclude the whole question. If the amendment of the hon. and learned Member should be rejected, he would move, as another amendment, that leave be given to bring in a bill to renew for one year, or further postpone until January 1841, the further payment of advances to the Bank of Ireland.

Mr. *Clay* wished to take this opportunity of referring to some statements made by him on a former occasion on the subject of banking in America, because those statements had been impugned, and because he believed that the House at that time thought the arguments to be drawn from the experience of America were not so important as they really were. It would be in the recollection of the House, that in answer to the arguments of the hon. Member for Kilkenny, who asserted that there could be no over-issues with a free trade in banking, with banks issuing in competition one with another, all being liable to pay notes, at the will of the holder, in specie—it would be recollected, that in answer to that statement, he referred to the example of America, where the system of free banking existed. The hon. Member for Wolverhampton endeavoured to show that there was no analogy, because the currency laws of America were not similar to those of England. Now, if it were true, that there was any essential difference in the laws which regulated the currency of America and this country, then the argument which he drew from the analogy of the two countries would fall to the ground. But the statements of the two hon. Members were founded on complete misapprehension. If there was any difference, it was in the greater stringency of the law of America. The banks of America, neglecting to pay on demand, were chargeable with 24 per cent. interest. The mode in which the interest was enforced was this. An action of *assumpsit* was brought, and on judgment being obtained, execution issued not only against chattels, but against land. The result was, that in the United States, where joint-stock banks were conducted on the soundest principles, the most remarkable over-issue ever known in the commercial world did take

place during the years 1804-5-6, attended with a degree of excitement and over-trading, without parallel in the annals of the world, followed by a re-action as remarkable, and one operation of which was, that every one of these banks stopped payment. These results were certain to follow from joint-stock banks issuing in competition one with another. Competing banks, if they were all inclined to over-issue, could not check one another. It had been contended, that if there were no controlling central bank, over-issue would be checked by these banks watching the course of the foreign exchanges, and regulating their issues accordingly; but each bank would feel that its own individual operations could produce but very little effect on the course of foreign exchanges, and would ask why it should sacrifice itself and the interest of its proprietors, when others would not follow its example. The evidence of facts corroborated this assumption. If ever it was incumbent upon banks of every description to be backward in increasing their issues, it was during the course of the last season. Never had there been a period when it was more their duty to watch the course of the foreign exchanges, and to limit their issues. Now, what were the facts? In September, 1838, the circulation of the bank of England amounted to 19,360,000*l.*, and the circulation of the private banks and the joint-stock banks amounted to 11,360,000*l.*, and now, after a lapse of nine months, what was the state of the circulation? The circulation of the Bank of England amounted to 18,100,000*l.*; while the circulation of the private and the joint-stock banks amounted to 12,275,000*l.*, thus, during a period of the greatest difficulty, when there had been a great importation of corn, and a great exportation of bullion, for the bullion in the coffers of the Bank had diminished nearly one-half, the Bank of England had diminished the circulation by 1,258,000*l.*, whilst the private and joint-stock banks had increased theirs by 950,000*l.* What was the case with regard to the bill of his right hon. Friend? Why, he proposed, in the first place, to give certain advantages to the joint-stock banks of Ireland, which were most important, and which were entirely overlooked by Gentlemen opposed to the bill. He proposed to give them the power to sue and be sued by their Secretary, which was a great advantage, and one which the English joint-stock banks did not possess. He had in vain endeavoured to obtain a similar privilege for the London

and Westminster Bank. But what was the common-sense view of the question? There was a general conviction throughout the country, that the whole monetary system must soon become the subject of searching inquiry. If that were the case, what better course could they pursue than to renew the charter for a short period—the parties would be aware, that they were entering merely into a contingent agreement, and must be prepared to accede to the terms proposed for the extension of the charter. If, on the other hand, they gave the joint-stock banks the power of issuing notes, they would create great difficulties in the way of any arrangement. It would be easy to deal with the Bank of Ireland, because at the end of four years its charter would expire; but it would not be so easy to deal with the numerous joint-stock banks which had acquired the power of issuing notes. He did not say it would be right to perpetuate the Bank charter, and he would vote against any such measure. He observed that the advocates of the unrestrained power of issuing paper-money on the part of all banks, assumed on all occasions, that they were the advocates of free trade, and the enemies of monopoly, and that an unrestrained power of issue, was for the benefit of the people. There could not be a more gratuitous or unfounded assumption. It was essential, that the public should feel that their interests were not identical with those of the issues of paper-money, and that in many instances their interests were diametrically opposed. This was not a question of free trade, it was a question of giving permanently to unauthorized individuals, that power which was an imperial function. It was the duty of the Government to secure such a medium of exchange as should be free from abuse—and that was a power which no individual or association ought to possess. (*Hear, Hear!*) If he were advocating an indefinite extension of the charter, then he could understand that cheer, but he was doing nothing of the kind. What was the effect of an over issue?—it produced great excitement and a rise of prices, which from their uncertainty were a source of inconvenience to the comparatively affluent, but which were absolute ruin to the poorer class, because it was well known, that a rise in the necessities of life was never followed by a corresponding rise in wages, and when the re-action came, it paralyzed the commerce and manufactures of the country; for these

reasons he should vote for going into Committee, and he hoped the House would agree to the bill.

Mr. *Shaw* would take that opportunity of alluding to a petition presented by the hon. and learned Gentleman, from certain parties, complaining that the Bank of Ireland had refused to reimburse them for certain notes which had been stolen and destroyed. The amount of notes stolen was 500*l.*, principally in small notes, which it was difficult to trace. The Bank of Ireland, had, however, paid 280*l.* to these parties at one period, and 50*l.* at another, and had afforded every facility in their power; but, after all, this was no public ground for petitioning against the renewal of the charter. No private bank would have reimbursed them. He agreed with the hon. Member for Carlow, in blaming the Government for bringing forward this measure so late in the Session; but it was hardly fair of him to reflect on the circumstance of there only being fifty-five Members to support the measure, omitting to state, that there were only seventeen to oppose it; fifty-eight was not a large number certainly, but it was much larger than seventeen. He thought at the moment the hon. Gentleman made that observation, that the lights above were rather more powerful than the lights below. (This observation was an allusion to the circumstance of the illuminating powers of the Bude light being tried at the time Mr. Gisborne was speaking.)

Mr. *Hume* thought this question should not be disposed of by paltry details of this kind. The argument of the hon. Member for Carlow was a good one, inasmuch as it went to show, that a question of this importance was discussed in a House of only seventy-two Members. What was wanted was no exclusion or monopoly, but the same privileges for the people of Ireland, that the people of Scotland possessed. They wanted the same facilities in the negotiation of bills, and to remove the gross injustice that at present existed. Why, he would ask, was Ireland for five years to have inflicted upon her that which was admitted to be an injustice, and one that must be remedied at the expiration of that period? The hon. Member for the Tower Hamlets was altogether wrong in his facts with respect to the Bank of England, and he was equally so with respect to the Bank of Ireland. In Scotland, and every country where there was free and open banking, the variation of the

currency was never equal to that which it had been under the management of the Bank of England. The principle of banking was now understood by the majority of the banks, and they found to their cost, that if they issued more money than commerce required, runs instantly took place upon them, and they were obliged to find bullion. The Irish people so far from agreeing with the hon. Member, wished to have the system of Scotch banking established there. It appeared to him, that the Chancellor of the Exchequer was acting most improperly in introducing this bill. What were his arguments formerly, when he was anxious to establish joint-stock banks? Why, then he was for adopting the system of Scotch banking, but now he was of a contrary opinion. What was the cause of that? Had the joint-stock banking system failed? Clearly not; but the right hon. Gentleman had changed his opinions. He thought the right hon. Gentleman was treating Ireland most shamefully in introducing the measure, and he should therefore support his hon. and learned Friend's motion, and every other motion that had for its object the prevention of the bill passing in its present odious shape.

The *Chancellor of the Exchequer* said, that although he did not mean to undervalue the arguments of the hon. Gentlemen who were opposed to this bill, he could not re-discuss a matter which had been so fully discussed on two previous occasions. Indeed, even if he were to do so, he could only repeat the arguments which he had already used. He must, however, say a few words with respect to the present measure, and he begged hon. Gentlemen to understand, that he supported this arrangement, not because it was the best possible arrangement which could be made—far from it; but what he wished to impress upon the House was, that if they did not accept the present measure, the probability was, that they would have a worse system of banking in Ireland than it provided. It had been said that this bill would operate injuriously to the joint-stock banks; but so far from this being the case, the only effect it could have, would be to relieve these banks from disabilities, and extend to them privileges which they did not now possess. This being the object of the measure, it might be asked why he did not carry that object further; but his reply was, because he did not think he could do so with safety. He had gone as far as he

could, considering that this was nothing more than a mere provisional arrangement. He had been charged with having brought down this measure without due deliberation, and it had been said that he wished to carry it by the weight of his official position. He denied that he had brought it forward without the consent and approbation of every member of Lord Melbourne's Government; and he brought it forward not only on their behalf, but in good faith, because it was thought that it would be for the interest of the country that it should be carried. It was, therefore, most unfair to suggest, that this bill was not the act of her Majesty's Government. It was stated that it would not be safe, as regarded the currency of either Ireland or England, to leave the matter as it now stood, and this it was that had induced the course which the Government had felt it their duty to take. The hon. Gentleman said, that the Bank of Ireland had not given to the other banking establishments of that country sufficient accommodation—that they kept too large an amount of their capital locked up in securities; but what was the evidence in reference to this point? Why, that in 1836, in defiance of sound banking principles, they had given too much accommodation. The arguments of the hon. Gentleman, therefore, were wholly inconsistent with the evidence. Now, in the first place, he intended by this provisional arrangement to obtain considerable economy for the public, and, in the next, to take out of the market nearly one million of Exchequer bills. Hon. Gentlemen seemed to think lightly of this, and they told him that the better way for him would be to borrow four millions to pay off the engagements with the Bank of Ireland. This, they said, would be an easy operation, and that nobody would be the worse for it; but all he could say was, that those who recommended such a course could have little real knowledge on the subject. He admitted there was some force in the objection that this measure had not been brought forward for discussion at an earlier period of the Session; but then these Gentlemen, who had raised this objection, had not adverted to the peculiar circumstances which had rendered the delay unavoidable. It should be recollected, that the business in the early part of the Session had been interrupted by an impending change in the Government, and that the arrear of the public business and the demand for other measures, such as the Irish Municipal Corporation Bill,

had rendered it impossible for him to obtain an early day for submitting this bill to the consideration of the House. Under such circumstances, he thought it was rather hard to be reproached for a delay which he could not help. It was said that the people of Ireland had no notice of this measure until the 14th of July; but had not petitions on the subject been presented from Newry, Wexford, New Ross, and other parts of Ireland in the first week in that month? Undoubtedly they were petitions against the renewal of the charter; but did not the fact of such petitions being presented, prove that the people of Ireland had notice of the course which he meant to pursue? He could, were it necessary, show the circumstances under which the meetings which had taken place on the subject had been got up. He could expose the absurd and stupid fallacies indulged in at those meetings, and he could not only name the parties who had got those meetings up, but refute all that had been said at the meeting in Dublin. There was a joint-stock bank in Ireland called the Providence Bank—a bank so utterly absurd in its nature, that he was only astonished how in any country, men could be so deluded as to countenance it. This was a joint-stock bank founded by one individual, and having only another proprietor, namely, the party who engraved its notes. These two parties constituted a joint-stock bank, and issued their notes upon a capital of 500,000*l*. One of them had purchased bank stock to the amount of 10*l*., and the other to that of 30*l*., to enable them to express their opinions at the bank meetings; but surely these were apostles in whom the House would hesitate before they placed faith. He had been one of the originators of joint-stock banks in Ireland, and he felt proud of it, because he believed they had been productive of much good. Whilst, however, he was friendly to the principle, he was anxious to protect the public from the consequences which must follow, if the boon for which the opponents of this bill asked were conferred. He thought, that being the advocate of joint-stock banks, he was a better witness on this part of the subject, than the hon. Gentlemen who resisted the present motion. In 1836, when there was considerable distress, the Bank of Ireland had rendered important service to the Provincial, the National, the Commercial and Agricultural, and other joint-stock banks. Now, what would have become of these

banks at that period, if the bank of Ireland had not, out of its own resources, lent them 270,000*l*.? And yet these were the interests which had raised the present cry against the Bank of Ireland. There had not, however, been a single petition from those banks; and for his own part he should like to see the proprietors of them meeting in London, where the whole matter could be fairly and properly, and face to face, discussed. With respect to the circle of limitation, he should now say nothing, as that was a point which could be more fitly discussed in the committee. He must, however, be allowed to observe upon a fallacy into which the hon. and learned Member for Dublin had been betrayed. He said, that Dublin and the other towns within the circle were in a state of decay or non-improvement, while the other parts of Ireland were prospering; and in support of this statement he referred to the Post-office revenue. What was the fact? Why, that between the years 1830 and 1836, there was a falling off in the revenue of the Post-office of Dublin of 26,000*l*., in consequence of an arrangement made at the Ordnance, and a further falling off to the amount of 10,000*l*., owing to the postages of the towns adjacent to Dublin, previously included in the Dublin account, being charged in a separate account. If the hon. and learned Gentleman had referred to other statistics, he would have found his statement completely contradicted. The customs revenue of Belfast in 1836 was 237,000*l*.; and in 1838, 315,000*l*. In Sligo there was a diminution between these periods, the amount in 1836 being 39,000*l*.; and in 1838, 32,000*l*. The amount in Cork, in 1836 was 185,000*l*.; and in 1838, 235,000*l*.; and during the same interval there had been an increase in the customs revenue of Dublin from 669,000*l*. to 846,000*l*. These facts went completely in refutation of the hon. and learned Member's assertion. There had been a diminution in the excise revenue in Cork, while in Drogheda it had increased, and this, too, although Drogheda was under the influence of the blighting system of bank monopoly. He thought it was for the interest of Ireland that they should go into committee on this bill. He had been charged with being wrong; but, although he could point out those who had inflicted wrongs upon his country, he would not reproach them, as it was not his wish to raise anything like a personal discussion.

He entreated hon. Gentlemen to discuss this measure as a matter of political science, the only point of view in which it ought to be discussed; and he hoped when he went back to Ireland, he would not find the walls placarded for the purpose of raising a barbarous, disgraceful, and degrading feeling against him. All he required was, that they should do by Ireland as they had done by England, and in making this demand he was justified by the opinion of such men as Mr. Jones Loyd, Mr. Palmer, Mr. Norman, and Mr. Tooke. True, the gentlemen whom he had named were connected with the Bank of England, but was it likely that they would prostitute their talents, or be dishonest enough to deliver any opinion upon a matter of mere science in opposition to the dictates of common sense? These gentlemen had stated, that if the power of issuing notes in London was unrestricted, it would be impossible to survive a crisis, and, therefore, the great question was, whether or not it was proper to have in Ireland, as in England, a central bank of issue? He must say, that he should consider the unrestricted issuing of paper money as one of the greatest calamities which could befall a country, and if they found that they could not, with safety, approach that point, let them depart from it as little as they could. His belief was, that the present measure was the most secure that could be adopted, and although he wished to have a free banking system, he still thought, that it was necessary for the protection of the public, that the issues of paper money should be kept under proper control.

Mr. O'Connell in explanation, said, that although he had referred to the Post-office revenue in a former debate, he had not done so that night. He had, however, shown an increase of prosperity outside the circle and a diminution inside. In some instances this increase amounted to twenty-five per cent. The utmost increase at Drogheda was twelve per cent., while in other places within the circle there was a diminution of three per cent., so that the argument of the right hon. Gentleman was of very little value. He was not there as an individual connected with the National Bank, but he thought the right hon. Gentleman had no right to use his official information for the purpose, as he had done, of tarnishing the credit of any banking establishment. He said, that the National Bank would have failed in 1836, but for the assistance it obtained from the

Bank of Ireland; but a more unfounded assertion could not be made. The fact was, that the Bank of Ireland was the cause of the run for gold which occurred in 1836, and that it refused to discount the bills of the National Bank, even though they were indorsed by the Hibernian Bank. The extent of the accommodation which they afforded to the National Bank was 42,000*l.*, although they had 400,000*l.* in gold in their coffers; and such being the facts, the right hon. Gentleman was not justified in the observations which he had made.

The *Chancellor of the Exchequer* in explanation, said he had made no such statement as that which the hon. and learned Member for Dublin had attributed to him. He had not alluded to any particular bank; but what he had said was, that the Bank of Ireland had, in 1836 given important assistance to the various joint-stock banks of that country. From the means of knowledge which he possessed, he said he believed, that if that assistance had not been afforded, these banks must have failed. He stated, that the whole accommodation given by the Bank of Ireland to the joint-stock banks was 270,000*l.*, and it now appeared, that of this sum the National Bank had received only 42,000*l.* This showed, that he had not referred to any individual establishment; and he could only add, that he should be extremely sorry to say anything which, coming from one in his official situation, could injure in the remotest way any private bank. His observations were altogether of a general character.

Mr. Redington said, that they had gained something from the right hon. Gentleman, and that was, that this measure was to be discussed merely as a matter of science. He believed that the people of Ireland were not aware of the nature of the right hon. Gentleman's proposition; and although petitions had been presented on the subject, they were against the renewal of the bank charter, and could not have had reference to this measure. The fact of but two partners being found to belong to the bank alluded to by the right hon. the Chancellor of the Exchequer, showed that the people of Ireland were not inclined to enter wildly, or without deliberation, into those speculations. He was opposed to perpetuating a monopoly that had been anything but a service to Ireland. With respect to the assistance given to the joint-stock banks at the period of the crisis, it should be recol-

lected that a good deal of it came from London. The effect the Bank of Ireland had in producing that crisis should not be forgotten in alluding to the subject. It had been shown that the Bank of Ireland did not answer the purpose of a national bank.

Mr. *Ellis* claimed the indulgence of the House whilst he offered a few observations with respect to that bill. He complained of the late period of the Session at which it had been brought forward, and he did not think that the Chancellor of the Exchequer's arguments sufficiently answered the objections, for they had seen that, upon several occasions, the Government had not made a House, when it was well known they might have done so if they pleased; and they should have done something towards bringing it forward at an earlier period of the Session. The right hon. Gentleman had stated, that the people of Ireland had received sufficient notice of the intention of the Government to bring forward this bill. They might, it is true, have had notice of that intention, but they had no information whatever as to the provisions and details of the bill. The right hon. Gentleman had stated, that the people of Ireland would be afforded the fullest opportunity of ascertaining what the provisions of the bill would be, and to judge of their probable effects. Then he (Mr. *Ellis*) thought they ought not to proceed with it, until they should have ascertained what the opinions were in respect to it—to ascertain what the result of the meetings upon that subject, which were to be held in Ireland, would be. The Bank of Ireland possessed vast and exclusive privileges, and they had sometimes exercised them in a harsh and severe manner. He knew an instance where a gentleman presented a bill, upon one of the first houses in Scotland at the Bank of Ireland, and it was refused, because the person presenting it had been known to have taken an active part against the Bank of Ireland monopoly. The bill was afterwards discounted. The hon. Gentleman then went into a statement of the assets of the Bank of Ireland, and read several extracts of evidence, to show the difference between the practice of the Bank of England and that of the Bank of Ireland. The towns of Newry, Dundalk, and Drogheda, he continued, which were important towns, and were within the metropolitan circle, were subjected to peculiar injustice from that monopoly, for their commercial transactions were with England and Scot-

land; and, notwithstanding, they were obliged to transact their banking business in Dublin, with which they had no other concern. The Chancellor of the Exchequer had stated his opinion in favour of joint-stock banks, and yet that bill went against his own principle.

Sir *W. Someville* said, that the Chancellor of the Exchequer did not stand alone in the bill, for Lord Melbourne had stated to a deputation, that the Government intended to bring forward such a bill. With respect to those who opposed it in Ireland, he could assure the right hon. Gentleman, that all parties in the town, which he had the honour to represent, were opposed to her Majesty's Government in their views on that subject.

The House divided on the original question: Ayes 57; Noes 19: Majority 38.

List of the AYES.

Adam, Admiral	Loch, J.
Baring, F. T.	Lockhart, A. M.
Bernal, R.	Lowther, J. H.
Briscoe, J. I.	Lygon, hon. Gen.
Broadley, H.	Mildmay, P. St. J.
Broadwood, H.	Morpeth, Lord
Brocklehurst, J.	Norreys, Lord
Clay, W.	O'Ferral, R. M.
Cochrane, Sir T. J.	Palmer, C. F.
Cowper, hon. W. F.	Pechell, Captain
Dalmeny, Lord	Pigot, D. R.
Darby, G.	Pryme, G.
Dick, Q.	Rice, rt. hon. T. S.
Donkin, Sir R. S.	Rich, H.
Douglas, Sir C. E.	Rickford, W.
Forester, hon. G.	Rolfe, Sir R. M.
Fremantle, Sir T.	Rutherford, rt. hn. A.
Freshfield, J. W.	Shaw, rt. hon. F.
Gordon, R.	Smith, J. A.
Grey, rt. hn. Sir G.	Smith, R. V.
Grimsditch, T.	Talfourd, Serjeant
Harcourt, G. G.	Thomson, rt. hn. C. P.
Hill, Lord A. M. C.	Thompson, Ald.
Hinde, J. H.	Townley, R. G.
Hobhouse, rt. hn. Sir J.	Troubridge, Sir E. T.
Hodges, T. L.	Wood, C.
Holmes, W.	Wood, G. W.
Hoskins, K.	TELLERS.
Labouchere, rt. hn. H.	Parker, J.
Lincoln, Earl	Steuart, R.

List of the NOES.

Aglionby, H. A.	Oswald, J.
Bryan, G.	Redington, T. N.
Callaghan, D.	Salway, Colonel
Easthope, J.	Somerville, Sir W. M.
Ellis, J.	Vigors, N. A.
Finch, F.	Warburton, H.
Gisborne, T.	Williams, W.
Jervis, S.	Yates, J. A.
Muskett, G. A.	TELLERS.
O'Connell, J.	O'Connell, D.
O'Connell, M. J.	Hume, J.

House in Committee.

Upon the motion that the bill be read a first time,

Mr. O'Connell would take the sense of the House upon that question, for he felt that the people of Ireland had not been afforded a sufficient opportunity of discussing the provisions of the bill.

The committee divided: Ayes 49; Noes 20: Majority 29.

[After three more divisions, the first clause of the bill was adopted. Further proceedings were opposed; and after one additional division on the question that the Chairman report progress, which was lost by 15 to 39,]

The *Chancellor of the Exchequer* said, that it appeared useless any longer to oppose the question of reporting progress, and he would, therefore, consent to it; but at the same time he regretted exceedingly that such a precedent should be established.

Mr. O'Connell rejoined, that under any circumstances, he would give every opposition to the progress of the bill in his power, that time might be gained for a still stronger expression of opinion against it.

House resumed.

[We have inserted the Lists of the second division only, as the most important.]

THE DUKE OF MARLBOROUGH'S PENSION.] The *Chancellor of the Exchequer* moved for leave to bring in a bill, to exempt the parliamentary grant to the heirs of the Duke of Marlborough, from the payment of the duty of 1s. 6d. in the pound.

Mr. Hume objected to the motion at so late an hour.

Mr. W. Williams moved the adjournment of the House.

The House divided: Ayes 39; Noes 0: Majority 39.

List of the AYES.

Adam, Admiral	Hoskins, K.
Aglionby, H. A.	Lowther, J. H.
Baring, F. T.	Morpeth, Lord
Bernal, R.	Norreys, Lord
Brotherton, J.	O'Connell, D.
Cowper, hon. W. F.	O'Connell, J.
Dalmeney, Lord	O'Connell, M. J.
Darby, G.	O'Ferral, R. M.
Douglas, Sir C. E.	Pechell, Captain
Ellis, J.	Philips, M.
Fremantle, Sir T.	Pigot, D. R.
Gordon, R.	Pryme, G.
Grey, rt. hon. Sir G.	Rice, rt. hon. T. S.
Harcourt, G. G.	Rich, H.
Hinde, J. H.	Rolfe, Sir R. M.
Hobhouse, rt. hn. Sir J.	Sawley, Colonel

Scholefield, J.	Vigors, N. A.
Shaw, rt. hon. F.	Wood, C.
Sheil, R. L.	TELLERS.
Somerville, Sir W. M.	Stanley, E. J.
Townley, R. G.	Steuart, R.

Tellers of the NOES.

Hume, J.	Williams, W.
Leave given.	

HOUSE OF LORDS,

Thursday, August 15, 1839.

MINUTES.] Bills. Read a second time:—Stage Carriages; Rogue Money Assessment (Scotland); Militia Pay.—Read a third time:—Judges' Lodgings; Slave-Trade Treaties; Constabulary Force (Ireland).
Petitions presented. By the Marquess of Lansdowne, from the Provincial Medical and Surgical Association, for a Reform of the Medical Profession.

BIRMINGHAM POLICE. — Viscount *Duncannon* moved the second reading of the Birmingham Police Bill (No. 2). In consequence of some difficulties connected with the charter that had been granted to the town of Birmingham, the corporation were unable to establish an efficient police, which was so essential to the preservation of the peace of the town, and this bill was to enable the Treasury to advance to the corporation of Birmingham, the sum of 10,000*l.*, for the establishment of a police force. He believed that the only part of the bill that was objected to, was that part which vested the appointment of the commissioner of police in the Government, as was the case with the metropolitan police of London. It was the opinion of the Government, that it was essentially necessary for the preservation of the peace of the town of Birmingham, that the police force should be placed on that footing, and he hoped, therefore, that their Lordships would approve of the principle of the bill, making such alterations as should be thought proper in committee.

Lord *Brougham* could not agree to the proposition of the noble Viscount, without entering his protest against it. The noble Viscount had not laid sufficient grounds for undoing by one act, what Government had themselves done by a preceding Act of Parliament. The last act of Government was one of confidence in the town-council of Birmingham, for which purpose they availed themselves of all the powers given by their own Municipal Corporations Act. If, then, in the month of October, 1838, the town of Birmingham

—that great, important, and populous town—was so well deserving of the confidence of Government, that Government incorporated it, gave it municipal institutions, permitted it to choose its own magistrates, and enabled it to enjoy the very important privilege of voting in wards for those who had to administer justice within so vast a circuit, he did not see that any case had been made out for altering their course of proceeding, for entirely retracing the steps of Government, for undoing in August, 1839, what they had done in October, 1838, for stamping the town of Birmingham as unworthy of confidence, and for stigmatising the people of Birmingham as being unfit to be entrusted with the management of their own concerns, in a matter the most important, namely, the arrangement of the police establishment, and the superintendence of the Queen's peace. The main principle of the Municipal Corporations Act, was to establish corporations for police purposes. But for such purposes that Act would have been entirely unnecessary; and yet now, before they had given that Act a trial, before it had been found ineffective or inoperative, they were called upon totally to undo what they had before done. The town of Birmingham was to have the name of a corporation without the reality. It was to have a town-council; but functions they were to have none. The people of Birmingham were to be allowed to establish a body to superintend the police; but at the same time the persons so chosen by their fellow citizens were not to be allowed to have the superintendence of the police; they were, in fact, told that they were not fit for any of those things for which they were created, and that they were not to exercise those powers, for the purpose of exercising which powers alone, they were called into existence. He had never before heard of an attempt to abolish a corporation, unless they were abusers or non-users of their functions. What charge was brought against this corporation? Why their petition, which had been presented that evening, stated very truly and very properly, and he might say very eloquently, that not only were they not convicted, but they were not accused. If a charge were brought against individuals of the corporation, that was no reason whatever for saying that the whole corporate body had incurred forfeiture. Some

objection had been taken to the course adopted by a worthy friend of his, the mayor of Birmingham, but he must say, that he saw no reason whatever for that objection. Another excellent friend of his, a medical gentleman, and a member of the corporation, was charged with an error of judgment in hesitating to act without the presence of the chief magistrate; but even if there had been an error of judgment, was that a reason why the whole corporation should suffer? But the matter was now made the subject of inquiry; they were told that an investigation was going on, so that still it was doubtful, whether there was any charge or not against the corporation, and this bill was to interrupt the inquiry, and to interfere with the trial; and before the inquiry was even begun, and when it was only pending, they were called upon to act as if the inquiry had been gone through, and as if sentence had been pronounced against the parties who were put upon their trial. He would ask whether the inquiry could be fair after this? Would it be fair in the case of a military officer, that the Crown should stigmatize him before the court-martial had come to a decision? He had to add that there was no charge against the town as a corporate body. And whom were they called upon to stigmatize? Not the corporate body merely, but in reality the whole of the inhabitants, who had by an immense majority chosen the town-council. He knew it might be said, and he agreed in saying, that the choice of one or two of the magistrates was not very felicitous. He thought there were one or two who ought never to have been appointed. But what had the town-council to do with this? The justices might have done ill, but the town-council was a different body. His objection to one or two of these justices, was not that they were not worthy and loyal men, or that he had the least doubt that they would exert themselves strenuously to preserve the public peace. Quite the contrary: he thought their appointment objectionable, because they might be induced to exert themselves more strenuously than was necessary; from a feeling that they laboured under a suspicion of not being disposed so to act; but his chief objection was, that people would not believe that they would exercise the powers entrusted to them, and he therefore thought it unwise to appoint men who,

not being supposed to be likely to exercise their functions vigorously, would hold out a kind of temptation to seduce persons into those depredations and outrages that had unhappily been committed. But that objection applies at the utmost only to two of those appointments. And he would ask, was it common fairness to stigmatize and disfranchise the town of Birmingham, because one or two persons had been appointed justices who ought not to have been appointed?—those appointments having been made by the very parties who were the authors of the present bill. First they appointed a corporation, and, before the municipal body had done anything, they appointed certain municipal officers justices, and then, because they themselves appointed justices who ought not to be appointed, they, the same Government, now wanted to take away the charter which they themselves had granted. Upon these grounds, he thought that nothing was more unfair, or more inconsiderate, than any attempt of this kind; and this being his opinion, he felt it his bounden duty to resist the second reading of this bill. One thing was perfectly certain, that if this bill passed, they could not stop here, they would be absolutely bound to pass all the other bills of the same sort that might come at that late period of the Session from the other House of Parliament. The Manchester Bill, and the Bolton Bill, must be passed in the same way, if they were now to decide previously to inquiry, before trial, that the corporation of Birmingham had misdeemeaned itself, which it certainly had not done. He thought, that the effect of this bill would be to keep alive, or rather to revive those discords that had happily ceased, and to revive and perpetuate those cruel dissensions, the result of which had been a breach of the peace, which all good men and loyal subjects must chiefly lament. It was perfectly clear, that if this bill were so altered as to give power to the proper quarter, thus showing that confidence which had not been forfeited, and that respect which was fully deserved by the town-council, he believed that that peace which had now been restored would be perpetuated in the town, but if, on the contrary, they condemned without trial, if they disfranchised those whom they had so lately enfranchised, if they stigmatized those whom a few months ago they delighted to honour, and all this without a

shadow of pretence, except that the Government who brought in a good bill one day, chose to change their views the next—if they took this course, he was morally certain, he was intimately persuaded from all he knew of that place, and of the people in general, that they would widen the breach—that they would render these dissensions that lately existed hardly curable—that they would sow the seeds of future discord broadcast over the town, and the youngest among their Lordships might not live to see the end of those dissensions, and the appeasing of those discords. He moved that the bill be read a second time that day three months.

Viscount Melbourne agreed with the noble and learned Lord, that they were placed in a very unsatisfactory state of circumstances; but at the same time the question they had to consider was, whether this bill were necessary or not? He should have been much more happy, much better satisfied, if the corporation of Birmingham, which it was said the present Government had established, had been enabled to use the powers which were intended to be given to them. He certainly should have been much better satisfied if the corporation had been acquiesced in by the whole town of Birmingham, and if it had commanded the confidence of the whole of the inhabitants, if no legal objection had been taken to their constitution, and if they had been allowed to perform those functions for which they were intended and appointed. But that, unfortunately, was not the case. The noble and learned Lord, in opposing this bill, relied upon the certainty of the tranquillity of the town of Birmingham. All numerous bodies were very apt to get pretty rapid impressions of things. The impression of their Lordships' minds some time ago, as to the state of Birmingham, was pretty strong and vivid, and he should have apprehended at that time, that there would not be the slightest difference of opinion as to this bill, and that there could not be a difference of opinion in respect to the propriety, and, indeed, necessity, of taking measures for the establishment of an efficient police in the town of Birmingham. After what they had seen, after what had so recently taken place, and with the ill-feeling that seemed to prevail in a great part of that town, he could hardly believe it possible, that tranquillity had been so completely and en-

tirely restored as to be, according to the noble and learned Lord, much more certain and fixed than ever, or that the people were united in a degree of harmony and concord much greater than any that existed before the late tumult. If that were true, certainly this tumult was the most fortunate and auspicious that possibly could be. But the real fact was, that the legal constitution of the corporation was impugned at law, and they had not the power of taking those steps that were necessary for raising a police force. They had not the means of doing it. They could not raise a rate, as the rate would not be paid. And even if it were paid, the overseers would not feel themselves sufficiently justified in paying the money over to the town-council. Therefore it was, that this bill was absolutely necessary to supply the deficiency of authority, and to take immediate measures for the preservation of the peace, and the maintenance of order in the town of Birmingham. This bill cast no stigma upon any body or individual, it interfered with no trial, it interrupted no inquiry, it had none of those defects which had been attributed to it by the noble and learned Lord, it was merely a bill which they considered that the present state of circumstances rendered necessary for the purpose of maintaining peace and order in Birmingham, and of securing that tranquillity which had recently been so seriously disturbed. The noble and learned Lord said, that they sought to pass this bill, in order to remedy their own appointment of magistrates. In the first place, the bill had nothing to do with the appointment of magistrates; and, in the next place, the noble and learned Lord assumed and took for granted, that persons had been appointed who ought not to have been appointed. The noble and learned Lord said, respecting the conduct of those magistrates, that persons who had taken a leading part in politics, were likely to distinguish themselves by great anxiety, and an over desire to maintain the public peace. He did not know whether the opinion of the noble and learned Lord had been realised precisely to that extent; but a noble Earl, who was not now present, the Lord-lieutenant of the county of Warwick (the Earl of Warwick), told them, that unquestionably those gentlemen, whose names had been already mentioned, and whom he would not mention again, had been as ready, as firm, as

energetic, and had taken as much share of the duty of preserving the public peace, as any other of the magistrates. But this bill had nothing whatever to do with the appointment of the magistrates; it cast no stigma upon the corporation, or upon the town of Birmingham; but the unfortunate circumstances of that town, and the jealousies that existed there, made it necessary that a police should be established, and, with the present feeling of the people of Birmingham, he put it to their Lordships, whether that police ought not rather to be established under an independent and impartial authority, than under the authority of the corporation?

The Duke of Wellington said, he could not concur with the noble and learned Lord, in thinking that what had lately happened in Birmingham was likely to heal the dissensions, or to minister to the re-establishment of the peace of that town. He was afraid it would have a contrary effect. It appeared to him, that this bill was necessary in consequence of the disturbances which had prevailed in Birmingham, and in consequence of the state of the question depending in a court of law, respecting the legality of the grant of the charter to the town of Birmingham. He believed that that charter had been granted with great precipitation, and the consequence was, that the corporation had not the power of levying a rate to support a police force. That question was now under consideration in a court of justice, and would not be decided till November next, or possibly later, and it might be decided against the legality of the charter. In the meantime, it appeared absolutely necessary that there should be some power of regulating the police, and if care were not taken to establish a power to regulate the police by this bill, the town would be again left without a police as before. He considered, therefore, that this bill was the necessary consequence of the state of the question regarding the charter. He begged to remind the noble and learned Lord, that the Crown, having granted the charter, could not deprive the town of Birmingham of that charter. The inquiry must go through its regular course, and care must be taken to provide for all the consequences that might arise, either from the establishment of the charter, or from the decision of the court of law, that the charter was illegal. He believed that the present bill provided for both those consequences.

With respect to the other question that had been adverted to by the noble and learned Lord, namely, the appointment of the bench of justices, that appointment was another consequence of the grant of this charter, which is now questioned, and stated to be illegal. The Government thought proper, not in October, but in January last, to grant sessions of the peace to the town of Birmingham, and to the corporation of that town; and having granted these sessions of the peace, a noble Lord, in another place, recommended certain persons to be appointed justices of the peace of that town. That noble Lord was responsible for the selection of those justices; but if it should be found that this charter had been illegally granted, it would follow that the grant of the sessions of the peace was also illegal. It would also follow, he believed, that this commission of the peace could no longer exist, and all those gentlemen, who were thus appointed under the commission of the peace, would not be qualified to act as justices of the peace, when they were no longer justices of the peace of the sessions of the corporation of Birmingham. He believed that their Lordships would find this to be the case, and this circumstance rendered it still more important that care should be taken by this bill that there should be a commissioner to take charge of this police, who should be totally independent of the charter, and of the justices appointed under the charter, and in consequence of the charter. He thought it a very improper act to appoint these sessions at the time the grant was made. The Chartist were then embodied, and moving about the country, namely, in October, and he certainly agreed with the noble and learned Lord, that those who might be supposed to partake of the political sentiments of those persons, ought not at that time to have been appointed justices, under the commission for the corporation of Birmingham. There was another very curious circumstance attending this commission of the peace of Birmingham, which showed the haste and want of consideration with which all those arrangements had been carried into execution, and of which the public had seen the consequence. The opinion of some noble Lords of great authority, had been given on the point, whether the magistrates of the county of Warwick had or had not jurisdiction in the corporation of Birmingham, after that

corporation had been established, and the sessions of the peace had been granted. It now appeared to be the decided opinion, that the magistrates of the county of Warwick had, and ought to have had from the commencement, jurisdiction within the corporation of Birmingham. But how was it that persons had considered it right to grant a sessions of the peace, and that under the circumstances the noble Lord, the Secretary of State for the Home Department, should interfere, contrary to the intentions of Parliament, and grant to ten or twelve of the magistrates of the county of Warwick, that their names should be inserted in the commission of the peace for the corporation of Birmingham, which corporation it was now understood by all the great legal authorities, to have had no jurisdiction during the whole of the period? After this, to suppose that confidence could be placed in those by whom such things had been transacted, was a matter of impossibility. He could not have any such confidence, and all, therefore, he could say was this: That he was most desirous that there should be a police in Birmingham, for the purpose of saving it from such misfortunes as had occurred lately, and, therefore, he must vote for this bill, in order to give a police to the town, and, at the same time, to be quite certain that it should be in the hands of some one, who would manage and conduct it for the benefit of the community.

Lord Brougham stated, that, as the Government pressed, and as the noble Duke supported this bill, he should not press his motion, but reserve the further objections he had to this measure for the Committee.

Bill read a second time.

TRADE ON THE WESTERN COAST OF AFRICA.]—Viscount *Strangford* had to present a petition to their Lordships from certain merchants who had been for some years engaged in carrying on a trade in gum, at the British port of Portendic, on the western coast of Africa, complaining of an interruption to their trade by the French Government. If the Session had not approached so near its close, he should not have contented himself with merely presenting the petition, and saying a few words in its support, but he should have felt it his duty to follow it up by a substantive motion, considering, as he did, the case to be one of the greatest hardship

injustice, and oppression, as regarded the individuals concerned, and as involving the great national question whether or not this country had a right under treaties, to trade with that part of the African coast, or whether this country held the right on sufferance, and at the will and pleasure of another power. If this country had that right—and he believed it was unquestioned—he thought this country was bound to show its feeling, as well on account of the importance of the trade itself, as because the establishment of commercial relations with that part of the world, and the interchange of their produce for British manufactures, furnished the best means of introducing into that country, the blessings of civilization, and of putting an end to the sinful traffic which was there carried on. He felt confident that the extension of those relations in all directions, and their maintenance by all lawful means, would do more to put down the horrors of that traffic than all the attempts which might be made to bring minor and weaker states, for to them the attempts were limited, under the operation of acts of the British Parliament. The case of the petitioners would, he believed, be best and most briefly told in their own words, and he would therefore, with the permission of the House, read that part of the petition. The petitioners stated, that

“They have been for some years engaged in carrying on a trade in gum at the British port of Portendic, on the western coast of Africa. That this article is one of great importance to many of the staple manufactures of Great Britain, and that the English trade therein, at the said port of Portendic, has been observed for more than a century with great and increasing jealousy by the French merchants established in the Senegal. That a tribe of Moors, denominated the Trazars, is supposed to exercise considerable influence over the direction of this trade, in the interior of that part of Africa where the gum is principally produced. That the French thought fit to declare war against this tribe in the year 1832; and that under the pretext of carrying on the said war, the Governor of the Senegal caused a report to be circulated, towards the close of the year 1833, that he intended to blockade the coast of Portendic. That your petitioners, astonished at so extraordinary a menace, sought for protection against it from his late Majesty's Government, in consequence of which, the British Ambassador at Paris (Earl Granville) was instructed to inquire whether any such intention existed on the part of the Government of France, when

a reply was given that they had no such intention. That, notwithstanding this solemn pledge, the Governor of the Senegal despatched two ships-of-war in July, 1834, to the said British Bay of Portendic, where two English merchant vessels, the Governor Temple, and the Industry, chartered by two of your petitioners, were then engaged in carrying on the gum trade with the Moors; that these two vessels were ordered by the French commander to quit the bay, without taking in the cargoes of gum prepared for them on the shore; that the English captains refused to obey this order, whereupon one of the French ships anchored close to the coast, and commenced firing upon the Moors with grape and round shot; that the English flag was placed upon the gum collected on the shore intended for embarkation; that the flag was fired upon by the French; that the two merchant vessels were captured, taken to the Senegal, and not restored until much of the benefit of the voyage was lost to the charterers; and that after upbraiding the two supercargoes in the most insolent language, the said commander ordered them on board his ship, where he detained them for several days as prisoners. That an official proclamation having been previously issued, the said British coast of Portendic, was actually blockaded by the French on the 15th of February, 1835, and an adequate force stationed in the bay to maintain the said blockade, which was continued without intermission for more than six months. That the Eliza, belonging to one of your petitioners, which had arrived at Portendic a fortnight before the commencement of the blockade, and had landed and disposed of part of her outward cargo, and was prepared to ship from the shore the gum bargained for in exchange, was violently boarded, taken possession of, and conveyed out of the harbour by the French marine, leaving the gum on the beach; and that subsequently several other vessels belonging to your petitioners, which were proceeding to that place with cargoes of dry goods, in order to procure gum in exchange, were driven away by the blockading force. That the practical result of these proceedings has been, in the first place, to inflict actual losses on your petitioners to the amount of 100,000*l.*; and in the second place, to cause in the intercourse between the English and the Moorish dealers in gum, a derangement which has not been since found susceptible of any permanent remedy, and that the trade may be said to have passed from your petitioners almost wholly into French hands. That your petitioners lost no time in preferring claims against the Government of France for indemnity for the heavy losses which they have sustained by reason of the outrages herein stated; and that her Majesty's Government, and the law officers of the Crown, having taken the said claims into consideration, have found them, after the most minute examination, to be valid and just in every respect. That the claims of

your petitioners for redress, having been forwarded by her Majesty's principal Secretary of State to the Government of France, such redress has been refused by the French upon various pretexts, all of which have been pronounced unsatisfactory by the law officers of the Crown. That in answer to the repeated applications made by your petitioners to the said Secretary of State, requesting that he would obtain from France the indemnity to which he admits they are entitled, his Lordship has stated that he has done and is doing everything in his power in order to obtain such redress for your petitioners. That nevertheless, year after year passes over without such redress, or even any promise of it, being procured from France, and that thus the losses inflicted upon your petitioners in the years 1834 and 1835 have been very seriously aggravated, not to mention the further injuries which they have since sustained by the almost total termination of their trade at Portendic. That, under these circumstances, your petitioners appeal to your Lordships for protection, and trust that you will take such steps as may seem most meet, in order to procure for your petitioners indemnity for past injuries, as well as security for their future trade. That your petitioners are far from soliciting the adoption of any measures which might affect the amicable relations now so happily subsisting between England and France; but at the same time, they humbly conceive that the treatment which they have received from the authorities of France, is such as cannot be tolerated without compromising the honour of her Majesty's Crown, and exposing the rights of her subjects to frequent violation in every quarter of the globe."

The various statements contained in this petition had been brought under the consideration of another assembly last year, and in the early part of the present Session by the right hon. and learned Member for the Tower Hamlets. That right hon. Member founded upon them a motion for the production of papers, which motion, however, was withdrawn on the assurance given by the noble Viscount who was at the head of Foreign Affairs, that the Government of this country was at that time negotiating with France on the subject of these transactions, and that the production of the papers moved for, might be prejudicial to that negotiation. The noble Viscount, at the same time, unequivocally admitted all the facts contained in this, or rather a similar petition—he admitted the undoubted right of British subjects to trade on the western coast of Africa—he admitted the violent interruptions which had been given to that trade by the naval forces of France—the

insult given by firing at the British flag—the confiscation of property covered by that flag—the capture of British vessels, and the imprisonment of British subjects. The unjustifiable character of the whole of the transactions from first to last, was recorded by the solemn opinions of the law officers of the Crown on the case itself, and the right of the parties aggrieved to claim compensation and redress; all these facts had been admitted by the noble Viscount at the head of the Foreign Department, who stated further, that so convinced was he of the correctness of the statement, and the importance of the matter to the country at large, that he was then using his exertions to bring the French Government to a sense of what was due, not to this country alone, but on the principle of self-respect as due to France herself. He was sorry to say that these efforts appeared to have been totally without success. For five years these unfortunate gentlemen, the petitioners, had to complain of grievous injuries inflicted upon them by acts of an ally of their sovereign, and for five years this country had lost the advantage of a trade which furnished an article indispensable to her manufactures, which trade, by force of arms, had been monopolized and usurped by France, upon whom England had now to depend for the supply of an article she could not do without, and which she was compelled to take from the French on their own terms, and at their own price. This, however, was a narrow and paltry view of the question which involved the national honour and national rights. He hoped he should not witness any interruption of the good understanding which existed between France and England, on which depended mainly the happiness of the civilized world; but he was not anxious to purchase that good understanding at the expense of national character or national honour. He hoped that her Majesty's Government would use that earnest and serious tone in this matter, which was never misunderstood by the party in the wrong, when perseveringly employed by those in the right. He assured their Lordships that he was not influenced by any party feeling in taking upon himself to present this petition; in fact, it was a case into which party feeling could not enter. It had been twice brought before the other House by one of the most strenuous supporters of her

Majesty's Government, the learned Member for the Tower Hamlets, and he was satisfied that the terms of condemnation employed by that learned person, were not too strong. He repeated, that he earnestly hoped the noble Viscount would take the subject into his serious consideration. The noble Viscount might depend upon it, that the great commercial community of this country would not suffer the matter to stand as it did; unless some decisive step was taken, they would not be satisfied.

Viscount *Melbourne* said, their Lordships must have seen from the statements of the noble Lord, and also from the allegations of the petition, which he believed could not be denied, that this was plainly a matter for grave and serious consideration. It was unquestionably such a matter as might lead to that which the noble Lord had so much deprecated, unless some means were found to bring about an amicable termination of the disputes. It was the opinion of the Government, that her Majesty's subjects in that part of the globe where the transactions complained of had taken place, had suffered injury, and that there had been a violation, if not of a treaty, at least of those rights of commerce which belonged to her Majesty's subjects. He could assure the noble Lord that there had been no lack of interference or remonstrance on the part of the Government with those free and easy Ministers to whom he had referred, though he seemed to insinuate that nothing had been done. There was no difference of opinion amongst the members of the Government upon this subject, nor had there been any throughout the whole course of the negotiations which had taken place. It was felt that great injustice had been done by the agents of France in that part of the world, and he was sorry to say that they had not viewed it in that light, but that they had taken rather an opposite view of it. The noble Lord might rely upon it that the matter had been pressed upon the attention of the French Government in the most earnest and solemn manner, and that it would still be so pressed upon them, and he could not but hope that when the principles stated by the noble Lord came to be duly considered, due reparation would be made to her Majesty's subjects for the injuries they had suffered.

Petition to lie on the Table.

[SUPPRESSION OF THE SLAVE-TRADE.]
Viscount *Melbourne*, having first moved, that the Address to her Majesty on the Slave-trade, agreed to by their Lordships on Friday, the 2nd instant, and her Majesty's gracious Answer thereto, be read, rose to move the second reading of the Slave-Trade Suppression Bill, and said, that, deeply impressed as he was with the great importance of this measure in every point of view, whether considered politically, or with reference to the great measure which it was intended to forward, he at the same time apprehended that he should not be compelled to intrude upon the patience of their Lordships for any very great length of time. The solemn act of their Lordships, to which he had recalled their attention by moving that their address to the Throne be read, the circumstances under which this bill had been introduced, and the present state of the question, rendered it unnecessary for him to enter into a long statement of the reasons upon which it was founded, or of the grounds on which he hoped for their Lordships' approbation of it. They would perceive, that every provision of this bill, and the powers which were requested to be conferred by it, were stated in a very clear, and simple, and distinct manner in the preamble, and in the several clauses thereof. The objects were simply these:—that those persons who should be employed under the authority of her Majesty, for the detention and seizure of vessels engaged in the slave-trade, should be protected against the consequences of executing the orders given to them, by indemnifying them against all suits or actions brought against them; and that power should be given to the Vice-Admiralty Courts of the colonies to adjudicate upon the cases of all vessels so captured, in the same way as if they were British ships. Those were the principal features of the bill. Their Lordships were aware of the general object which it was intended to assist and carry out; and it was not necessary for him to make many observations upon that head. Their Lordships knew that this country had been now more than fifty years engaged in that which was unquestionably a very difficult, but at the same time, a very noble and honourable and praiseworthy task, and one which he thought would, hereafter, be the principal glory of Britain—that of attempting to abolish the African slave-

trade, and to extinguish that condition of slavery which had unfortunately grown up in many parts of the globe in consequence of that trade. After labouring for this end for many years, when peace was restored to the world, we had endeavoured to induce other nations to unite in the same honourable cause, and to combine their efforts with ours for the same glorious object. Their Lordships were aware of the zeal and energy displayed in this cause, and of the sacrifices made in it by this country; they knew that it was a cause which was deeply entwined and interwoven with the moral and religious feelings of the people, and that the general desire of the nation was for the extinction of this traffic. But when he came to consider the result of the exertions and sacrifices which had thus been made, he feared that what was stated in many quarters was too true, and that, indeed, it was a fact which was so strongly pressed upon their attention, that we had succeeded in a very limited degree in our object, and that the slave-trade was still carried on under certain flags which were allowed to shelter and protect it. He would not enter into particulars here; he would not stay to inquire whether the slave-trade were now as extensive as when measures for its suppression were first set on foot, or whether it had increased, as was alleged by some persons who had paid great attention to the subject, and possessed much information upon it. Suffice it to say, that it was impossible to doubt that the slave-trade was still carried on to a great extent, and prevailed in many parts of the globe, and that many thousand persons were yearly brought from their native shores to be subjected to that wretched state, which was injurious both to him that suffered, and to him that caused the suffering. Although there might be some doubt with respect to the greatness of the amount of the traffic alleged by some persons, there could be no doubt that its amount at present was great. But there was another point upon which he must touch. It was said that we had, by the measures which we had taken to put down the slave-trade, aggravated the evils which its victims had felt under it; and the horrors of the system had been depicted, in the course of the last Session, by his noble and learned Friend who sat on his right (Lord Brougham), with a force which must have left a strong

impression upon their Lordships' minds, and in language which he believed it was hardly necessary for him to repeat, in order to convince their Lordships of the deep sufferings and horrid cruelties inflicted by the furtive attempts which were made to elude all the vigilance of those who were engaged in putting down the slave-trade. It was felt and agreed on all hands, that this contraband system should not be permitted to continue, that every effort should be made to put a stop to it, and that the Legislature was in duty bound to carry out the great and good work which the nation had begun. But, unfortunately, they had to deal with cupidity—that blinding vice, which would allow the individual to regard nothing when in the pursuit of gain, but that one object, that thirst for gold which made men disregard every horror and misery to which others might be subjected while in pursuit of their own gratification. Such was the passion which had unfortunately defeated us, and deprived us of that success which we had anticipated, and which he still hoped to see realized. Amongst the nations under whose flag the slave-trade was now carried on, he was sorry to say that Portugal was pre-eminent. A greater part, he might say, but certainly a large proportion of the traffic, was sanctioned by the Portuguese flag. Their Lordships well knew how the matter stood with respect to Portugal, which, by more than one treaty, had undertaken to put an end to the slave-trade. It was not his wish to use any strong language upon this occasion, because he trusted that their Lordships would so enter into the matter, and act in so decisive a manner, as would render more strong language superfluous and unnecessary. But he would call their Lordships' attention to the last note presented by Lord Howard de Walden to the Portuguese Government, in which the case with respect to the conduct of Portugal was stated in a perspicuous manner. Lord Howard de Walden states that Portugal—

“In disregard of the 10th article of the treaty of 1810, declines to ‘co-operate with her Britannic Majesty, by adopting the most efficacious means for bringing about a final abolition of the slave-trade.’ In disregard of another part of that same treaty, she permits her slave-trade to continue in parts of Africa, ‘where the Powers and States of Europe which formerly traded there have discontinued and abandoned it.’ In violation of the treaty

of January, 1815, she still 'permits her flag to be used for supplying with slaves other places than the Trans-Atlantic possessions of Portugal.' In violation of the 3rd article of the additional convention of the 28th of July, 1817, she absolutely refuses to 'assimilate the legislation of Portugal upon slave-trade with the legislation of Great Britain.' In violation of the 2nd article of that convention, she seeks to prevent Great Britain from putting down that slave-trade which, by that article, both Powers jointly declare to be illicit—namely the exportation of slaves in Portuguese vessels from 'ports not possessed or claimed by Portugal, in Africa,' and the importation of slaves in Portuguese vessels into 'ports not in the dominions of her most faithful Majesty.' In violation of the separate article of the 11th of September, 1817, she refuses to adapt the provisions of the convention of the 28th of July, 1817, to that altered state of circumstances which exists in consequence of the law, which has abolished the slave-trade in all the dominions of the Crown of Portugal. She has refused to sign a treaty which comprises stipulations indispensably necessary for carrying these various provisions into effect, although urged to do so by Great Britain, during a negotiation protracted for upwards of four years; but on the contrary, she insists upon stipulations which would render such a treaty as inefficacious as are her own laws. Instead of consenting to give greater power for the detention and for the condemnation of of slave-vessels, she endeavours to recede from the limited power which she granted for those purposes twenty years ago. She tries to narrow the extent of the mutual right of search, which, by the treaty of 1817, is without any limitation of geographical space, and which may now be exercised in every part of the world. She wants to abolish the mixed tribunals, established by the existing treaties, and to submit the adjudication of detained slave-ships to Portuguese tribunals, from whom, in cases of this kind, guilt the most flagrant and the most clearly proved, would be certain to obtain an acquittal. She struggles for a power to cancel, at the end of a certain period, such portion of the treaty as she may dislike; that is to say, in other words, she asks for a power to revive, at the end of a certain period, the slave-trade of Portugal, in all the original plenitude of its iniquity. She demands a guarantee of her African possessions against the dangers to which they will be exposed from a measure which the Portuguese Government itself acknowledges to be an indispensable foundation for the welfare and prosperity of those colonies; and she asserts, that 'propriety and decorum require these conditions,' so utterly repugnant to good faith, to national interest, and to national honour."

He had thought it necessary to read that passage, because it contained a very clear and distinct summary of the case with

respect to Portugal. But he had commenced his observations by stating that the present position of the question, and furthermore, that the acts which they had already done, and that the votes which they had come to, rendered it unnecessary for him to go at length into the case, in order to prove what had been the conduct of Portugal in the long-protracted negotiations which had taken place between the two Governments, and how far that conduct called for a measure of this kind. On looking back to the past proceedings of their Lordships, he found that his noble and learned Friend moved an address to the Crown upon the subject of the slave-trade, which address was agreed to by their Lordships, and at its close contained the following paragraph:—

"That this House cannot refrain from expressing to her Majesty the deep concern with which they have observed, from the papers which her Majesty has caused to be laid before them, that Portugal has not yet fulfilled the engagements which she has taken towards this country, by concluding with Great Britain an adequate treaty for the suppression of the slave-trade."

That was the conclusion to which their Lordships came upon that occasion, and he need scarcely remind them that very recently they had agreed to another address to the following effect:

"That her Majesty will be graciously pleased by all means within her Majesty's power, to negotiate with the Governments of Foreign Nations, as well in America as Europe, for their concurrence in effectually putting down the traffic in slaves; and also that her Majesty will be graciously pleased to give such orders to her Majesty's cruisers as may be most efficacious in stopping the said traffic, more especially that carried on under the Portuguese and Brazilian flag, or by Brazilian or Portuguese ships; assuring her Majesty that this House will cheerfully concur with the other House of Parliament in whatever measures may be rendered necessary, if her Majesty shall be graciously pleased to comply with this prayer."

Her Majesty had complied with that prayer, and had given directions to the cruisers to take the most efficacious steps to put down this traffic. The present bill, therefore, was necessary, in order to fulfil their Lordships' own intentions and wishes as expressed in their address to the Crown upon this great and important subject.

The Duke of Wellington said, that no man could have read the papers upon this

subject which had been laid upon the Table, or have listened to the able speech which had been made last year by the noble and learned Lord (Brougham) opposite, or to the statements which had that evening been advanced by the noble Viscount at the head of her Majesty's Government, without being fully convinced of the existence of the slave-trade at the present moment. There was, in his opinion, no proposition more true, than that the slave traffic had of late increased, and that it had, in particular, extended to parts of the coast from which it had once been entirely expelled. He was also of opinion, for he had concurred in the address which their Lordships had sent up to her Majesty, that measures ought to be adopted by the Government to induce the government of Portugal to perform the stipulations of the treaties into which that nation had entered with her Majesty and with her Royal predecessors. No man could be more convinced of the necessity for such measures than he was, nor could any of their Lordships be more willing to adopt and to sanction such measures as Government, on its own responsibility, might offer, in order to the attainment of so desirable an end as the termination of the trade in slaves. But while he felt the deepest anxiety to see a period put to the traffic in slaves in every part of the world, he could have wished to see a different course adopted from that which had been pursued upon the present occasion. An application to Parliament of this description was not the proper course to be pursued for the enforcement of treaties entered into by other nations with her Majesty. The proper course was, for the Government to have adopted, on its own responsibility, the measures which they might have thought necessary for enforcing those treaties. In the first place, recourse ought to have been had to diplomacy, and, in his opinion, they ought to have sought, by negotiation, to secure the fulfilment of the treaties which Portugal had made. But Parliament was not the proper judge on questions of this description, because it was not acquainted with the details of those negotiations. If, however, diplomacy failed, then they must resort to measures of a naval or military character, or of both, in regard to which that House had no knowledge either of the debates or of the consequences, or of the means necessary, any more than the

the other House of Parliament. Such measures were to be adopted by her Majesty, on the advice of her responsible Ministers, and not by Parliament, which had no knowledge sufficient to enable it to act. It was on these grounds that he had, on a recent occasion, advised their Lordships to reject a similar bill to that which was now before them; and he confessed, that he saw in the present bill fresh reasons for wishing that her Majesty had taken such steps as her Majesty might have thought proper, with reference to Portugal, before Parliament had been called upon to adopt any measures for carrying her Majesty's intentions into effect. The objection which he had taken to the former bill was not one merely of form, for he had opposed that measure on grounds which were essential to the existence and preservation of the authority of the Crown of England, and to the due carrying on of the public business; and he would again say, that it was impossible for him, or for any of their Lordships, except two or three noble Lords on the opposite side of the House, who were admitted to her Majesty's councils, to know what were the means at the disposal of the Government for carrying into execution those measures which her Majesty might deem necessary to enforce the fulfilment of those treaties. Much less were their Lordships able to judge of the consequences of those measures, of the means necessary to be employed, or whether those means which would be required were at the disposal of the Government, in case the diplomatic measures which he had first mentioned failed—in case Portugal should resist the remonstrances of England, and in case the dominion of the Crown, or the commerce of the country, should, in consequence, be exposed to risk, or to actual injury. He confessed that he saw other reasons, arising out of the enactments of the bill before their Lordships, which induced him to wish that her Majesty's Government had taken their own course on this subject, rather than have called for the decision of Parliament. He saw in the different clauses of this measure reasons for believing that the framers of the bill had not sufficiently attended to the treaties which had been formed, and which were now in force, between her Majesty and nearly all the powers of Europe, for putting down the slave-trade. The first clause said—

"Be it enacted, that in case her Majesty should please to issue orders to her cruisers to capture Portuguese vessels engaged in the slave-trade, or vessels of any State whatever engaged in the slave-trade, not having on board, or the master whereof shall refuse or neglect to produce, on demand, papers showing to the subjects of what State such vessels belong, it shall be lawful for any person or persons, under any order or authority of the Lord High Admiral, or of the Commissioners for executing the office of Lord High Admiral of Great Britain, or of any one of her Majesty's Secretaries of State, to detain, seize, and capture any such vessels, and the slaves found therein, and to bring the same to adjudication in the High Court of Admiralty of England, or in any of the Vice-Admiralty Courts within her Majesty's dominions."

Now, he would beg their Lordships to observe what the effect of that clause would be. The Lord High Admiral could, by the provisions of the clause, give, under his hand, authority to any one to detain, seize, and capture the vessels of any State whatever employed in the slave traffic. But let their Lordships recollect, that, before they could proceed to seize and capture, they must, in the first place, detain those vessels, for the purpose of examining papers, and that any one, under the clause, was to be empowered to perform to the ships of any nation. Such were the provisions of this clause; and now let him call their Lordships' attention to the special treaties which existed between her Majesty and the different Powers of Europe in reference to the detaining of vessels, to boarding, and to the examination of papers. In the first place, he wished to direct their Lordships' attention to the important treaty with France, in reference to these points, and to show what the effect of this first clause would be upon the provisions of that treaty. The treaty with France limited the time when, and place where, the visitation of French vessels could be made for the examination of papers. In the next place, that treaty stipulated, not that any or every person might detain and visit the vessels of France, but that the visitation should only be made by the commander of one of her Majesty's ships specially appointed for that purpose. The number of those commanders who were to have the right of visitation was limited by one of the articles of the treaty; and it was also provided, that the number and names of the vessels employed should be signified to France, as well as the names of their

commanding officers. It was also stipulated, that those officers having the right of visitation should not be under the rank of captain or lieutenant of the Royal Navy of Great Britain. Such were the stipulations of the treaty into which this country had entered with France, and yet the provisions of this bill empowered any person, no matter whom, if acting on the authority of the Lord High Admiral, not only to detain, for the purpose of examining papers, but to seize and capture the vessels of France, or of any nation whatever. He would go no further than the question of visitation. The clause gave the power to any person to detain, to board, and to visit any ship, to whatever nation she might belong, going, or supposed to be going, upon the slave-trade; and all this their Lordships were asked to consent to, after the matter of visitation had been thus settled in the treaty with France into which this country had entered. There was another point of great importance, in regard to this treaty, to which he wished to direct their Lordships' attention. It was required, in order to render more certain that provision of the treaty which stipulated that a captain or lieutenant of the navy should be employed in this duty, and in order that it might be known to the French government what ship it was that he commanded, that the commander of each vessel should carry with him an authority, empowering him to make the visitation, and which authority it was also required that he should produce at the first moment of boarding. But by this bill no exception was made—no authority was to be required to be produced—no limitation was made as to the ships to be employed, or in regard to the officers commanding them; and their Lordships, in defiance of this treaty, were called upon to pass a measure in which the power of visitation was to be given to anybody, and in which that power was to be extended to the ships of all nations. As he had said before, he should go no further than the question of visitation; and he would ask their Lordships, whether it was possible for them to consent to the provisions of the first clause of this bill, when they took into their consideration the stipulations of the treaty into which the country had entered with France? He would also beg to remind their Lordships that this treaty with France was substantially the same as those into which England had entered

with Spain, the Hanse Towns, Denmark, Sardinia, Naples, and almost all the other Powers of Europe, and yet the flags of every one of those nations were to be exposed to the oppression of the enactments of this measure. He warned the Government not to proceed with this measure, but rather to issue an Order in Council or a declaration of war, or even to apply to Parliament, if necessary, to enable them to carry measures into operation under the treaties; but let them, in every case, take care, in granting this power of visitation, so to limit it as to leave no room for her Majesty's intentions to be misconstrued by other nations. That was another reason why he had wished, that instead of this bill, which had been sent up from the other House, and which he concluded was framed by persons who had no perfect knowledge of those treaties, the Government had brought down a message from the Crown, or published a declaration of what her Majesty's intentions were. Such a course would have been proper as regarded Parliament, and the object in view might in this way have been effected without the difficulty and without the scandal which must inevitably attend the passing of this first clause. There was one other clause of great importance, on which he wished to say a few words—he alluded, to the fourth, or the equipment clause, as it was called. That clause was the most offensive of all. It was absolutely necessary that it should be known what equipment was to be the sign of a vessel being engaged in the slave-trade, but the same objections which were applicable to the first clause were also applicable to this clause. Vessels might be seized by any one acting under the authority of the Lord High Admiral, if in the equipment of such vessel there should be found any of the things mentioned in the clause; but in all the treaties to which he had alluded he found provision made in respect to equipment, and particularly in the treaty with France, on which all the others were founded. If their Lordships looked at those treaties, they would find it impossible to carry the provisions of this fourth clause into effect by an Act of Parliament without a manifest breach of their engagements with France, and without at once putting an end to all those treaties into which this country had entered. Other nations entertained on those points strong prejudices, and were determined

never to give up to England the power of visitation; and he could not imagine that the French government would ever consent to allow the vessels of England on the authority of an Act of Parliament to detain, seize, and capture their ships. He would entreat their Lordships to consider the situation in which they would place the country with respect to other nations by passing this bill, which put at defiance all those treaties. He could not think that this was a wise or politic course. There were some nations, one great nation in particular, the United States, with whom this country had made no treaties for putting down the slave-trade. It was true that there were engagements made by diplomatic notes, in which the United States had expressed her readiness to co-operate with this country in putting the slave-trade down, by declaring it piracy. Documents, however, which had lately been laid before their Lordships, showed that the slave trade was still carried on by vessels bearing the flag of the United States. If, then, there was one point more to be avoided than another, it was that relating to the searching vessels belonging to the United States. He alluded particularly to the correspondence which had passed between the commissioners at the Havannah; and he perceived, that not only was no inclination shown on the part of the United States to permit this detention and visitation for papers, for the purpose of discovering whether the vessel had a right to claim the protection of another state, but, on the contrary, if we might judge from the correspondence of their consul at the Havannah, the very mention that such a thing was done, although proof was offered of the fact, was resented as an insult. Now, if the Government were to act under the authority of this Act of Parliament, that would not relieve them from the consequences of interfering in this manner with the rights of other nations. For his own part, he could not judge of the consequences that might follow—nor could he form an opinion of what our means were for the purposes of carrying this measure into execution, supposing the United States should think proper, as he thought we had every reason to believe from these documents they would, to resist the operation of the Act. This was another reason, in his opinion, for desiring that the measure should originate with her Majesty's

Government, who had all this knowledge, and not with Parliament. But there was another view of this question, which he thought was rather a low view of it in comparison with those which he had already drawn under their Lordships' attention. All these officers whoever they might be, acting under the provisions of this bill, were to be indemnified from all consequences, but the State would not be indemnified. Under all the treaties, indemnities were liable to be paid, and there was a positive engagement to pay a very large demurrage, and if so, we might be certain, that no vessel of the United States would be detained even for a visitation which might last only a few hours for which this country might not be liable. Under all these circumstances, he thought, that this measure was one to which their Lordships could not with propriety agree, if they entertained that respect for the rights of other nations, which had been the uniform practice of this country to observe in its best days, and he therefore moved, that the bill be read a second time that day six months.

Lord Brougham said, that it was with unfeigned regret and some surprise, that he had heard the observations with which the noble Duke had concluded what was otherwise an able and temperate speech. He must say, that he thought, even on the noble Duke's own principles, and, according to the tenour and scope of his own reasoning, that the course which the noble Duke and their Lordships ought to take was not to reject the bill at its present stage of a second reading, but to adopt the principle of the bill, which was excellent, and to modify it by some alterations of a material nature, which he should show were very feasible after they had allowed it to go into committee. He deemed this to be of the very greatest possible consequence. Even if larger alterations might be thought fit to be introduced than he had any reason to believe were necessary, he still deemed it to be of the very last moment, with a view to the abolition of this accursed traffic, that their Lordships should not object to the bill in its present stage, but allow it to go into committee. Why did he think so? It was because he knew the state of this trade. It was because he knew, it had pushed its roots deep in other countries after it had been abolished in this. It was because its roots had been pushed deepest and spread

widest in the dominions of our ancient ally Portugal, and because it had spread its roots into the hearts of the people of Portugal, he grieved to say it, and because that infernal traffic which was viewed elsewhere with horror, disgust, and execration, was the object even of popular favour among the deluded people of Portugal. There was no part of the West-Indies, even when the traffic in slaves was carried on without restriction, in which the trade was looked upon with more favour than in the cities of Lisbon and Oporto. It was because he also knew, the anxiety with which the people of Portugal were regarding their proceedings, and that they hung with breathless expectation on the arrival of the next packet, for the purpose of finding whether their Lordships would have dealt with this bill in the same manner as they did with the last. He well knew the anxiety with which the people of Portugal heard the accounts that the former bill was introduced, not merely on 'Change, where the criminals congregated, but even amongst the highest classes. They regarded that bill as a death blow to the Portuguese slave trade. What, then, must have been their feelings, when, in the midst of their anxiety in consequence of the introduction of the bill, and their fear that it would pass which they must have thought from our former behaviour, would be synonymous with its being brought in, they were relieved about a fortnight ago from their apprehensions, and found that some change had come over the spirit of the Legislature in this country, and that we were going in an opposite track to that which we had pursued ever since 1807? Happily, by the same packet which announced that rejection, there was conveyed the intelligence that that House in its wisdom had voted an address to her Majesty, which tended to provide a remedy for the evil which the rejection of the bill was calculated to produce; but the Portuguese must naturally have expected that their Lordships would follow up that address: that they would act not merely in the letter but in the spirit of that address, and that they would redeem their promise to aid the other House and the Government in the completion of any measures which might be necessary to carry the Orders in Council into effect. But if the Portuguese found that their Lordships threw out this bill, their hopes would

revive, their fears would be allayed for ever, and forthwith the waters of the Tagus, those waters which for all the purposes of trade and commerce might be considered a British stream, would be covered with the perpetrators of the most odious, the most audacious, the most incorrigible species of crime that ever disgraced humanity. All treaties, all quibbling in the construction of notes, all diplomatic arrangements would by the Portuguese criminals be heeded no more than the air which was breathed by those criminals, but which they did not permit to make its way into the pestilential holds in which they penned up their miserable captives. He, therefore, trusted that their Lordships would permit the bill to be read a second time, so that the dreadful consummation of the loss of the bill might be avoided. The difficulties stated by the noble Duke were by no means insuperable. The preamble, for instance, might easily be so altered as to meet the objection stated against it by the noble Duke, and, perhaps, not unreasonably. The noble Viscount had stated that her Majesty had commanded orders to be issued to her cruisers to repress this traffic, and, in point of fact, such orders had now been issued. The objection of the noble Duke as to the preamble would, therefore, be obviated by changing the form of words from the prospective into the retrospective, as thus:—"And whereas her Majesty has been pleased to issue orders to her cruisers to capture Portuguese vessels engaged in the slave-trade, or any vessel engaged in the slave-trade," &c. If some such form as this were substituted, it would remove the main objection of the noble Duke, for it stated that the Crown had actually issued such orders, and would go on to call upon Parliament to take such measures as might be necessary to carry these orders into effect. This would not be putting the cart before the horse; but it would the Crown beginning, and the Government acting, on its own responsibility. The Government took the whole responsibility of issuing these orders; it did not come to Parliament to shield it, to protect it; much less did it call on Parliament to take the initiative: it said "We have issued the orders, and we now call upon you to redeem the promise you made in the address you sent up to the Throne, and to support those orders." It might be said that the preamble conveyed too extensive

a sanction of the right of search, but the noble Duke had not limited this right in the Crown; on the contrary, he called on the Crown to send down a message to declare its wishes, to send forth a proclamation to declare its will. ["No, no."] Certainly the noble Duke said so; but really there were some noble Lords who seemed to forget every thing in their very extraordinary zeal against the repression of the slave trade, or at least against this bill; and he (Lord Brougham) was astonished to find his noble and learned Friend opposite (Lord Wynford) who had so distinguished himself during his legal career by his able opposition to the slave-trade, now carried away so much by some idea about non-infringement upon the rights of nations, as to seem to lend his support to those who were against the measure. If this right of search were established, which was not half so bad as a declaration of war, and if Parliament sanctioned this bill, you would not relieve the Ministers from the responsibility of any course that they might adopt. They would not be above the responsibility of answering for the ordering this right of search, or even going to war, if that should be deemed necessary. It could not be shown by any species of argumentation that, by passing this bill, they were lightening by a feather's weight the responsibility of the Government in any course that they might pursue in carrying out measures to suppress the slave-trade. The noble Duke said, that they must not forget the treaties which existed between this country and France, and also with other Powers, such as the Hanse Towns, and he was sorry to say that there was no such treaty with the United States. But this bill would not sanction any ground of proceeding contrary to treaties. Supposing a measure introduced with provisions opposed to the latter of the treaty with France, the Hanse Towns, or any other power whatever—and supposing this bill as it had passed the Commons, and come up to that House, should receive the unanimous support of their Lordships, and afterwards receive the sanction of the Crown and become an Act of Parliament, it would be as mere waste paper as regarded the law of nations; it could only regulate or control or affect the municipal rights of this country, and if any matter growing out of the operation of such Act came before any judge of any court, who decided by the law of na-

tions, he would not look to the law of the land; he would not look to anything in it which was contrary to the obligations of the treaty, but what was done by the law of nations, and not what was done otherwise; and in the teeth of the Act of Parliament, he would refuse his sanction to that which went against the letter and spirit of the law of nations. He felt perfectly confident in this, for no treaty could be broken merely by an Act of Parliament; and it was with the greatest surprise that he heard the noble Duke—considering his great sagacity and acuteness—should ground an argument on it; and he feared, from the cheers that he heard, that some other noble Lords were led away by the same feeling. But look to the details of the proceeding:—The right of search was not to be left to any persons to be named by the Lords of the Admiralty, but it was to be entrusted to particular cruisers of her Majesty, and, as it were, almost named for that particular service; but nothing in this Act of Parliament could effect the treaty existing on the subject between France and England, for if his noble Friend (Lord Granville), who so ably and admirably represented England in the French court, had a case involving the point brought under his notice, and if he was asked on what principle or ground the French cruisers had been seized, searched, and interfered with; and supposing that his noble Friend at the head of the Admiralty had issued letters of marque, or allowed the fitting out of privateers—which he sincerely hoped and trusted he never would consent to do, for this or any other purpose—but the noble Duke knew where the distinction was between this description of free and regular ships of war—and, therefore, supposing that some private parties, zealous for the suppression of this infamous traffic should obtain some authority or other in the shape of letters of marque, and that these circumstances, in fact, happened, which the noble Duke had adverted to as being likely to occur, contrary to the treaty between the two countries, Lord Granville might, by possibility, say, that he did not mean to justify the transaction by the treaty; but here is an English Act of Parliament, on which one can rest under such circumstances, what would be the immediate reply? Marshal Soult, who, probably, from the pursuits and habits of his former life, was not a very good law-

yer, would be quite sufficient lawyer enough to know what to answer, and he would say here is the record of the treaty by which I abide; I have nothing to do with your Act of Parliament. The Act of Parliament would be mere waste paper in justifying any course that might be taken respecting foreign powers, and the only question that could come before them must be determined by the law of nations. He had no hesitation in saying, that he thought that only king's cruisers should be employed against the slave-ships, and in stopping and searching vessels supposed to be engaged in that traffic; for you had due right, by treaty, to search Portuguese ships; but you had not the right to search French ships, unless under certain restrictions. But he should be glad, that even in the case of Portuguese ships, the search should be confined to King's cruisers. If there was not at present a sufficient number of them at the disposal of the Admiralty, he trusted that his noble Friend, at the head of the Admiralty, who he knew was most anxious to use every exertion to put down and suppress this infamous traffic, would have a large number of small cruisers and steam-boats stationed on the coast of Africa, and these latter might act as steam-tugs to drag the cruisers into the the bights and mouths of rivers to cut out the slavers. With respect, however, to this first part of the bill, he would recommend the noble Duke to state his objections, and propose the alterations that he required when they got into committee. The same objection also might be made to the 4th section, which specified a great number of things; but if these were meant as part of instructions or suggestions to commanders of cruisers, or suggestions as to the mode of determining the character of the vessel seized, it might be very well; he did not look upon this as a statement of what might be, or might not be, evidence before a court of justice; and, above all, when they had been told that this could not be taken as conclusive, but that they must go and ascertain what were the powers given them by the treaties, and that they must not regard what was peculiar to this bill, but only look to what obligations or powers the treaties entailed on them; it appeared, then, that this was not to be a description of the evidence that was to be regarded as conclusive; but that when vessels were found to be equipped in the way described in the bill, the responsibility of proof

should be thrown on the parties attacked or running the vessels. But this was, comparatively speaking, trifling with the structure of the bill, and the whole of these details should be referred to the committee. Something had been said in the course of the discussion about the United States of America. He could not disguise from himself that they were in this peculiar situation, that there was no treaty with America giving them the right of search of American ships. It was not the fault of the government of that country that this had not been done, for he thought that every praise was due to the government and the people at large in America for the abolition of the slave-trade; but, it should be borne in mind, that it was not very just to cast any odium on that State for not abolishing slavery, for, at the very earliest hour that it was enabled and allowed to do so by the federal union, it adopted the abolition of the slave-trade, and it was the first power to enact that it was piracy for any of its subjects to carry on the trade. He said that, because he looked with the utmost jealousy upon anything that was calculated, in the least degree, to lessen the amity which now existed between the two countries, which he thought it was essential for the interest of both, should be maintained. He thought that the popular prejudice against the people of America, for not abolishing slavery, was not altogether justifiable: it was a common thing to express something like contempt for the Americans on this account, and to set ourselves up in a pharisaical spirit above them, and to fold our arms, and say, "Oh, we are better than you, we have abolished slavery in our possessions; why do you not follow our example, and emancipate your slaves." He was sorry in being obliged to say, that they had followed the example of the people of England, not exactly of the people of Middlesex or Yorkshire who had no negroes; therefore, they had not the virtue of emancipating their own negroes, for the only virtue they had in the matter was the paying a portion of the price for emancipation; but he was sorry to say, that they had followed the example of another portion of the British people, namely, the people of Jamaica, of Barbadoes, of Trinidad, of Essequibo, of Demerara, of Berbice, of the Cape of Good Hope, and of many other places. If the matter had been left to them, how long would it have

been before the question had been settled? Would they have set this example which had been preached of so pharisaically to the Americans? The people of the northern states of America—the New England states—entertained similar opinions to the people of this country. They had no negro slaves, and had no objection to follow the example recommended here, for they appeared very zealous, as the people of Middlesex and Yorkshire were, for the abolition of slavery; but were the people of Virginia, the Carolinas, Maryland, Georgia, Louisiana, and Tennessee, and other states prepared to follow their example? Therefore, he did not say that the Americans were so very inferior in this respect to ourselves, or that we should adopt such pharisaical airs at the example we had set; and reflection on this subject would only lead us to explain what was meant by the terms "we" and "ours," when we claimed such merit to ourselves. They set the example before us of abolishing the African slave-trade as soon as they possibly could, notwithstanding the spirit of mercantile enterprise, and the love of gold, held out such powerful inducements to continue that abominable and atrocious traffic. It should be recollected also, that the government in the United States of America was not so strong as a monarchical government in Europe, and had not such direct and powerful means of controlling its subjects. That country had most extensive coasts, and there were a great many inlets and harbours for their shipping into which they could get, almost without the knowledge and control of the Government, and he feared that they would often be found too strong for the law, and that the thirst of gold would often induce persons in this country, not only to risk their fortunes in this trade, but to stand the hazard of the die for incurring the deepest temporal loss, as well as the risk of almost eternal perdition. The Americans, however, were not without responsibility; but we should have set them the example long before we did; but still they were under a load of guilt as individuals when they allowed, not, indeed, the use of the national flag, but of their building yards, to send forth swarms of slavers to invest the coast of Africa, or, at any rate, of ships, which it was a matter of publicity and notoriety would be employed as slavers. He admitted that it was a very difficult question to grapple

with, and he sincerely wished that they could see their way. It appeared from the papers on the Table, that half a dozen ships had been fitted out, not as American slavers, but for Brazilians, or Portuguese, or Cuba men. They were, however, fitted out, and sailed under such papers, and in such a way that we could not take them as the law stood. You might say to the American builders, these vessels are evidently intended for the African slave-trade, and, therefore, should be condemned, and the proceeding of building of such vessels put a stop to; but he was afraid, that if any such complaint were made, the Americans would ask, in reply, whether it was not notorious that the handcuffs and fetters found on board the slave-ships were manufactured at Sheffield and Birmingham, where also were made their muskets for the coast of Africa, and for the trade in negroes, which burst before they had been fired three times. Now, it would not be very easy to draw a distinction, and to prevent these things being manufactured for the African slave-trade. He had just been put in possession of a letter, from a most respectable person in Barbadoes, who stated, that a King's ship had arrived there from the coast of Africa, and the officer commanding it had assured him, that there were 29 American-built ships now on the coast of Africa carrying on this horrible and revolting traffic. He believed that every one of those vessels was American-built, and manned by either Brazilian or Portuguese sailors, but on board some of them there were American captains. But although these vessels were American-built, it did not follow that the people of that country were responsible for the purposes to which they were devoted, certainly not more responsible than an English ship-builder, who sold the ships built in his yards, which were afterwards sent to the coast of Africa. If this bill, however, passed into a law, we should hear something more of the American ships said to be engaged in this trade. He should recommend that the consideration of the preamble, and the next enacting clause, be postponed until they get into committee, when such alterations might be made as would remove some of the objections of the noble Duke. But the great principle on which he went was, that, for the orders which would be issued, the Government would be responsible, and the bill, if it passed, would not

affect the treaties with France, the Hanse Towns, or any other Power, for the chief provision of it was to give an indemnity in our courts to the captain of a King's cruiser, who seized a vessel coming within the specifications of the equipment of a ship, as described in the second clause of the bill, and prevent any action for damages for the detention of such ship; but it did not in the slightest degree relieve the Government from any responsibility for the conduct of our cruisers against the ships of other nations supposed to be engaged in this trade. If any persons could make out any claim of right, or unjust detention and seizure, against the Government, in consequence of their orders, he would come forward and establish that claim; and if the country was serious in its intentions—as he, in his conscience, believed it to be—to put down the African slave-trade, he was sure that the Parliament and the people would cheerfully make good any indemnity for vessels that had been unlawfully and illegally detained or seized by our cruisers. He knew that he did not differ far from the noble Duke as to putting down the African slave-trade; the only question was, as to the mode in which the end was to be attained; and he trusted that they should be able to make this bill, to a considerable extent, effective for the purpose. He knew, also, that as to these means, he differed from his most excellent and estimable friend, Mr. F. Buxton, who, in a recent pamphlet on this subject, said that the Legislature had begun at the wrong end, and that it was better, at present, not to say anything more on the subject, because it only exasperated, instead of lessening, the sufferings of the negroes; and he almost doubted whether it would not have been better not to have passed the law for the abolition of the slave-trade, in consequence of the atrocities that had since occurred. Mr. Buxton also stated, that he thought all the attempts to put down the foreign slave-trade had only tended to increase the number of slave-ships, and to have exacerbated the crimes and horrors of the middle passage. He admitted the latter objection, but he still thought, that, if they went further than they hitherto had gone, they would put down the slave-trade altogether. When they told him, that they had not hitherto put down the slave-trade, and that they could not put it down, he would reply, that they could not

put it down till they had tried the means in their power. If they did not try—if they did not use every exertion in their power, they let “I cannot” wait on “I will not.” When he said that he differed from this worthy individual as to the means of stopping the slave-trade, by putting a stop to slavery wherever it existed, he would ask, whether they were to wait until the inhabitants of Virginia, Maryland, the Carolinas, Georgia, and the other slave-holding states of America, entertained this view of the subject? Were they to wait until the Portuguese, the Brazilians, the inhabitants of Cuba, and the South American States, were sufficiently instructed to adopt their opinions, and would they allow the African slave-trade to go on without check or interference, on the mere speculation that, perhaps, at the end of a century, these people would open their eyes to the evils of slavery. He emphatically denied, that the slave-trade had not been lessened or destroyed in any way by the ships that had been taken. The foreign slave-trade, it was true, had been increased within the last five years, but what had become of the English slave-trade? Had then the labours of Mr. Wilberforce been altogether in vain, as well as those of Thomas Clarkson, Granville Sharpe, and Mr. Buxton himself? Was this, then, all the thanks that they were to give to the exertions of those great men in the cause of emancipation, and in liberating their fellow man from a state of slavery—were they, then, no longer to lay to their consciences the flattering unction of having proved successful in putting down the English slave-trade, and in having wiped away the foul stain of slavery from the name of England? Had it already been forgotten that, under the English slave-trade, upwards of 20,000 slaves from the coast of Africa were formerly annually imported into the old colonies, and 10,000 into the new colonies? and, if the trade had been continued, more than double that number would, at the present time, have been imported into these colonies? Was no account to be taken of upwards of 50,000 persons that otherwise would have been consigned to all the horrors of slavery? Were they to be told that all their labours in this respect were to be regarded as nothing? But they were told that the profit was so great in this trade, and that the means of insurance were so open, that the greatest in-

ducements were held out to engage in the traffic. Did any one, however, at this present day, presume to say either a Bristol, a Liverpool, a London merchant, or shipowner, carried on the slave-trade? No: it was possible that the means of insurance against the loss of the vessel might be found, but was there security for the consequences of his conduct, and against the punishment that would follow, if detection took place? You have made those of your subjects who were found to be engaged in this traffic, run the risk of being hung by the neck, or being transported for life to Botany Bay; and did you find that they were engaged in it? These might be induced by the possibility of getting cent. per cent., or double that, for the chance of success, and when the means of being repaid for his losses were afforded to him, but he would not run the risk of being dealt with as a felon, if he were discovered, for any such remuneration. He gloried in having been the instrument of effecting this, by his introducing to the other House, in 1813, first, the slave-trade (Felony) Bill, and subsequently, the slave-trade (Piracy). It appeared that the Spanish and Portuguese flags, and chiefly that of the latter power, had been the chief protection for conveying slaves from the coast of Africa. If Portugal saw that this country was in earnest, and would not longer be trifled with, but that she would insist on the fulfilment of the stipulations of the treaties she had entered into, steps would be taken by Portugal to effect the object she was bound to by the most solemn engagements. Talk, indeed, of resistance to us, on whom she almost depended for an independent existence—to us, without whose aid she hardly could have continued as a free state—to us, rather to be regarded as her mistress than as her friend, in consequence of the assistance we had so constantly rendered her—to us, who had sent the noble Duke and our armies to her support, and who had crowned himself with immortal glory in driving her enemies from her soil—to us, who had rendered so constantly the means of preserving her in the rank of nations—he would not listen to such language; it was idle, and had no meaning. If their Lordships were determined not to lend their countenance to her slave-traders by rejecting this bill, he would answer for it, that they would soon find the ways and means of putting down the African slave-trade

carried on under her flag. Let Portugal only do what she had solemnly promised—let her only fulfil what she had stipulated to do—let us have the assistance of her laws to that of our own, and that she would make it felony for any of her subjects to be engaged in the Slave-trade, from which no man could escape; let her try this fairly, and boldly, and eventually we must succeed in suppressing this atrocious traffic. He had exhausted himself, and, he feared, the attention of the House; but he spoke at such length in consequence of the deep interest he felt on the subject. He should sit down with the most consolatory and lively conviction, that he had not addressed their Lordships in vain on this subject, but that they would be induced to give this righteous bill a second hearing.

Lord *Wynford* said, the question before them was, not whether the slave-trade ought to be put down, but whether the means provided in that bill were those which ought to be adopted for that purpose. If the treaties were stated by the noble Duke with his usual accuracy, that bill, if carried, would involve us in a general war. It was not the effect of the Act on our relations with Portugal which should be looked to, but its effect upon France and other nations. It was said they might alter the bill in committee, but if they could not alter the treaties it would not be of any use to alter the bill. One of the enacting clauses of that bill gave a very extensive power to our officers who might be engaged in the prevention of the slave-trade. It indemnified them in entering and examining ships of all nations, not confining that power to ships sailing under the Portuguese flag. Such an Act might tend to endanger our relations with France or with America, and with the latter nation we had no treaty which could by any means authorise us to seize an American ship. He should be sorry to say anything to impeach the address which they had voted a few nights ago—an address which pledged them to do all they could to put an end to the Slave-trade—that meant anything which it might be lawful and consistent with the treaties they had entered into, to do. They might indemnify their officers, it was true, but that would not indemnify them for acting in that manner towards the ships of other nations. As the noble and learned Lord had correctly observed, Marshal Soult

would not look to Acts of Parliament in the case of the seizure of a French ship, but he would look to the treaty. If the Act of Parliament were not borne out by the treaty it was a dead letter, except so far as it went to involve England in difficulties. He was aware that the course which noble Lords took in opposing that bill would be subject to misrepresentation, and that it would be said they professed a willingness to put down the slave-trade, but that they refused their co-operation when the proper time arrived. They were willing to put down the slave-trade, but it was the mode proposed for so doing to which they objected.

The Bishop of *London* said, it was with sincere concern that he felt himself called upon to vote against the amendment, and in support of the motion of the noble Viscount. The duty was imposed on this nation of suppressing this traffic, which had so long disgraced Christendom. If we valued our liberty, we ought not to lose a moment in giving liberty to those who had so long, partly through our instrumentality, been bereft of it, and in restoring those blessings to the benighted inhabitants of Africa, for the loss of which we had so fearful an account to give. The rejection of this bill, he was satisfied, would induce the Portuguese to think they might continue this traffic with impunity, and before six months elapsed the sea would be covered with slavers. With respect to the observations of the noble and learned Lord (Brougham) upon the opinions of an hon. Gentleman (Mr. F. Buxton), and of those who concurred with him in his views as to the suppression of the slave-trade, it appeared to him (the right rev. Prelate) that the noble and learned Lord had not correctly stated those opinions. All that Mr. Buxton, and those who agreed with him, argued, was, that the efforts for the suppression of the slave-trade and slavery, had been successful only in a degree; but they did not say, that those efforts had not been productive of most important effects to the cause of humanity. One of their very useful suggestions, was, that attempts should be made to civilize the African chiefs so as to convince them that it would be more profitable for them to employ the labour of their subjects or prisoners than to sell them to slavery. With respect to treaties, that was a subject on which he did not feel competent to en-

ter, but it did seem to him to be a matter of common sense, that this bill, if it became an Act of Parliament, would in no wise alter the position of this country with regard to those treaties, because the maintaining or violating those treaties would still rest with the Crown. The Act did no more than give them increased powers and facilities for carrying into effect those measures which, with a strict regard to treaties as they now existed, or as they might by future negotiations be modified, might be required. Even on this point he should not feel precluded from voting in favour of the bill, which he should do with the most perfect satisfaction. The passing of this Act would be an honourable demonstration in the eyes of all Europe of a fixed determination on the part of a Christian people to consider, that whatever they might have achieved for Europe by securing the liberties of millions, yet, that the great work would remain imperfect until they should have put down that most revolting and abominable traffic, which had been and which continued to be, a disgrace to the nations of Europe.

The *Lord-Chancellor* rose for the purpose, if possible, of divesting their Lordships' minds of what he conceived to be a great misapprehension on this subject, because he felt their Lordships would concur in voting for the measure, if the apprehension had not taken possession of their minds, in consequence of what his noble and learned Friend (*Lord Wynford*) had said, that it would lead to a violation of existing treaties. His noble and learned Friend, had said that this bill must be considered as if it enacted that French ships should be searched contrary to the treaties with France. There were no such enactments in the bill. The enactments were to enable the Crown to give directions for dealing with Portuguese vessels, and certain other vessels. [*Lord Wynford*: All other vessels.] Well, all other vessels: but if the master of a French ship said we are protected by the treaty and we will not be searched, if that were so, it would be a violation of the treaty to search that ship. But was it because they directed search to be made where search might be made, that search would be made where it ought not to be made? The Crown would be just as much bound to adhere to the treaties with France, and any other country, if the bill passed, as it would if the bill were re-

jected. But with regard to Portugal, the bill would undoubtedly be an effective measure. The object of the bill was, to enable her Majesty to direct her cruisers to do that which Portugal had contracted to do, but which she had refused; and to prevent them being called on in this country to account for what they had done. The issuing of orders by the Crown would not indemnify those officers; and was her Majesty to direct her officers to seize those vessels, at the peril of they themselves being liable to pay for the damage sustained, or the value of the vessel that might have been taken. That their Lordships, he was sure, did not wish. But, then, he would ask, what did their Lordships mean when they addressed the Crown to issue these orders, and said they would take such measures as would enable them to be executed? What measures? He apprehended, simply to indemnify the officers that might act in execution of those orders. That was all this bill proposed to do. He did, therefore, hope, that when his noble and learned Friend looked at the provisions of the bill, and saw that its object was confined to those purposes, and left the relations of this country with other countries untouched, that he would not refuse to go into Committee on the bill. If their Lordships apprehended there was anything in the bill that would interfere with our relations as to other countries, nothing could be more easy than to introduce a proviso in Committee to guard against that; but to refuse to pass this bill after the resolutions their Lordships had agreed to, seemed to him to be conduct the most unintelligible. It was, in fact, refusing to do what they had undertaken to do, if the Queen should issue certain orders to her cruisers,—and these orders had been issued.

Lord Ellenborough: If those orders have been issued they ought to be communicated to the House.

Viscount Melbourne: There never was such a thing as that done.

Lord Ellenborough said, that to know what measures were necessary to be taken, it was requisite to know what the orders were. The bill confounded two principles that ought to have been kept entirely distinct—measures with respect to Portugal, and measures with respect to other countries. It was said their Lordships were only now asked to pass such a measure as would indemnify the officers for executing

the orders that had been given ; but that was a totally distinct case from that brought under their notice, because they were now asked to make provision for indemnifying officers who seized the vessels of any nation. When he heard the observations of the noble Duke, he had thought, that although the noble Duke pointed out the difficulties and dangers that might arise, he might, perhaps, have been dwelling on an exaggerated picture of the evil ; but he had since had placed in his hands the last report of the Commissioners of Sierra Leone, and he found that all the noble Duke had prophesied was actually intended, and the object was to seize the vessels of all nations that might be suspected of carrying on the slave-trade. The Commissioners said, that even a treaty with America was of little importance—that the slave-trade had gone from France to Portugal, from Portugal to America, and that it would go to all the States of South America ; but they said there was a remedy in time of war, and that Great Britain exercised the right of searching all neutral vessels, and that that was the only possible mode of putting down the slave-trade. The Commissioners might be right in that, but what they meant was universal war. And, desirous as he was of putting an end to the slave-trade, he was not prepared to run the risk of universal war for the accomplishment even of that object. He was surprised that noble Lords opposite, after hearing what the noble Duke had said, should not yet have more fully explained themselves, and should not have evinced the slightest disposition to answer the objections the noble Duke had stated, and, by acting in conformity with constitutional principles, place the House in a position to do that which it desired to do—indemnify her Majesty's officers acting under those orders that were necessary. He was not prepared to give them the right to search vessels of all nations in time of peace ; and whatever might be the feeling of the country with respect to this measure now, yet when they found, that, under the delusive hopes held out by this bill, they had been betrayed into measures that would lead to a collision with France, and a collision with the United States, and that there was a feeling of universal jealousy on the part of all maritime powers, and a determination to maintain their rights by war, the people would then think that the noble Duke was wise, and that

noble Lords opposite had been led away, to gratify the present feelings of the country, to do that which had been productive of great evils.

The Earl of Minto said, that of all the surprising and astounding statements which, he was sorry to say, he had heard that night, the greatest was that with which the noble Baron commenced his speech, in which he stated, that the Government ought to communicate to Parliament the terms of the orders issued to her Majesty's cruizers—a thing which had been resisted and refused by every Government, and never insisted on by that House. And for what purpose was that to be done ? Why, that that House might have the appearance of directing and conducting those very measures to which the noble Duke and the noble Baron said that House ought not to be a party, but which ought to be conducted on the sole responsibility of the Government. The question of the relations of this country to other countries had been so well argued, that he would not trouble their Lordships with going over the arguments again. The noble Duke had accused the Government of neglecting treaties, and of asking for measures that would lead this country into war with other powers, and more especially with the United States. There was nothing in the bill calculated to excite the slightest jealousy on the part of the United States. The slaver-trader had, in many instances, resorted to the flag and the ships of the United States. But how had he done that ? Why, as the noble and learned Lord had stated, a vessel was built in America, and chartered at the Havannah. She went from Havannah to the coast of Africa with an American captain. She got a cargo of slaves, and came away with a Portuguese or American flag. Five or six instances had occurred in which ships of this description had been stopped ; but how had the Americans treated the capture of those vessels ? The parties had been conducted to Boston. The authorities there had said, that, according to their feelings, the slave-trade was a piracy not to be tolerated by any Christian country. They had not remonstrated against the capture of the vessels, but they had, on the contrary, requested that our officers and men should remain there, to give evidence in their courts, for the conviction of their subjects who had violated those laws. That was the danger

we ran of a collision with the United States. The simple question was, whether their Lordships would or would not, in one form or another, co-operate with the Government in putting an end to this detestable traffic. The address that had recently been sent up to her Majesty on this subject, and her Majesty's answer to that address, seemed to settle the question. On the faith of Parliament, those orders had been issued. Their Lordships had been informed by his noble Friend, and he repeated that information, that orders of a most peremptory nature had been despatched, calculated to carry out the views of Parliament,—orders which he would not at present minutely describe; but he was perfectly ready to tell what would be the effect of those orders. They would lead to the detention and capture, by our cruisers, of all slavers under the Portuguese flag, whether on the north side of the line or on the south side of the line, without regard to place or time. Those orders would lead to the detention and to the capture of every piratical vessel sailing without a legal national character, let her be found sailing where she might. That would be the effect of the orders. To execute these orders, it was necessary the officers should be protected and indemnified for the consequences. He did not think that either the Government or his friends would take upon themselves any great responsibility in doing all they could to meet the wishes of the whole of the people of the country to suppress the slave-trade. He would now endeavour to satisfy their Lordships that the enactments of the bill were necessary. The first enactment was, that her Majesty should issue orders to capture vessels not having on board the proper flag and papers. He thought no noble Lord could doubt the propriety of that enactment, because the mixed commission courts, constituted under treaties, could deal with no ships except those which had the colours and character of the countries to which the mixed commission court belonged; and, therefore, unless this power was given, vessels carrying on this illegal traffic would have nothing to do but to sink their papers, and they would get off with impunity. It was necessary, therefore, that a power should be given to stop all ships that had not a lawful national character. Such a provision did not confer any additional privilege on the

Crown, it only confirmed the powers that it now possessed. It was impossible, also, that any violation of a foreign flag could take place under this clause of the bill. Then, with respect to the next clause, it provided, that if any slaves were found on board the vessel, they were to be brought to adjudication. Was not that provision necessary, in order to deal effectually with piratical vessels? If such vessels were allowed to run free, how could slaves that were found on board be brought to adjudication? The next clause indemnified all persons against actions, and established a court, in which all claims were to be tried. With respect to the fourth clause, he felt bound to differ from his noble and learned Friend, that it could be conveniently dispensed with, because he thought it essential that there should be some distinct statement as to the equipment, which constituted a vessel carrying on the slave-trade. These were the several provisions of the bill, and he trusted their Lordships would give their assent to them. He begged their Lordships to consider that the slave-trade of the world was at the present moment carried on under the flag of Portugal. He had received returns relative to the number of vessels that had been captured for carrying on the slave-trade, and of forty-three vessels thirty-six were Portuguese, six American, one Spanish, and one Russian. Latterly, the whole slave-trade of Havannah had been carried on under the flag of Portugal. In the papers, now before their Lordships, they would find Portugal expressing her horror of the slave-trade. Nothing was more zealous than the language of Portugal against the slave-trade, but in proportion as she expressed her horror of the slave-trade, in that proportion it increased under her flag. She had declared the slave-trade illegal, and yet she was the only slave-trade nation in the world. The noble Earl concluded by expressing a hope that their Lordships would cordially co-operate with her Majesty's Ministers in putting an end to this detestable traffic.

The Earl of Galloway wished to know if the bill went into committee, whether it were the intention of the Government to alter the preamble, by stating that her Majesty had ordered ships engaged in the traffic to be captured, instead of that she might order it.

The Earl of Minto: the recital would run—"That her Majesty had thought fit,"

Lord Denman said, my Lords, I feel so strongly on this subject, that I should not forgive myself if I did not state my reasons for thinking that it is the duty of your Lordships to pass the present bill. It is clearly admitted by the noble Duke opposite, that Portugal has no right to complain of any measures that may be adopted to put an end to the traffic in which her subjects were engaged. I am not going to argue this question with the slightest party feeling whatever, but I think your Lordships having it now in your power to prevent a great and enormous crime, it is your bounden duty to do all in your power to accomplish so benevolent and desirable an object. If the House does not pass this bill, they will be holding out a premium for the commission of a crime which diffuses blood over the whole world, and I hold, therefore, that it is the duty of your Lordships to spare no means of accomplishing so desirable an object. Supposing this measure was made applicable to Portugal alone, would there be the slightest objection to the passing of this bill? Certainly not; and if there is any objection arising from the other provisions of the bill they may be each struck out. Your Lordships have now a case before you, and you ought not to allow any opportunity to pass which will enable you to make the suppression of the practice of the slave-trade not merely a name, but a fact. What possible objection can there be to putting this country in the same position as Portugal in the suppression of the slave-trade. My noble Friend on the other side of the House must have forgotten the excellent judgment by which he distinguished himself in 1823, when a judge in the court in which I have the honour to preside; that judgment was that no subject of any nation had any right to sue in the courts of this country if he was guilty of a crime that was looked upon as such in the law of nations. The slave-trade is looked upon as such, not only by this country, but by Portugal herself. Though my noble Friend has forgotten that judgment, the right rev. Prelate has stated the same fact. The Government, therefore, in my opinion, ought not to shrink from the performance of their duty in persevering in this bill. When once it has been established that the slave-trade is illegal, the restraint which treaties have put upon its abolition ought to be looked at with a jealous eye. That is the prin-

ciple that was laid down by Sir William Grant, and by that principle I think your Lordships ought to be guided. That I state to be the exception to the rule to be introduced by the treaties. The Slave-trade of Spain was recognized by implication, and, therefore, the judgment of the court, in the case he had just alluded to, was, that the English captain had acted improperly, and was bound to make compensation. I may be told that the power proposed to be given by the bill is not wanted—that the indemnity proposed to be given by it is not required; but I need not tell my noble and learned Friend that in our courts of law there are many difficulties on the point, and that it would be the height of injustice to the officers employed to carry out the humane principles recognized by your Lordships, should they not be indemnified—that an English judge should be obliged to tell an English jury, that for a single moment there was a doubt on their minds that he was guilty of any crime, and liable to a heavy punishment for so humane an act. I say, then, that the necessity is imposed upon your Lordships of providing that the judge should be relieved from the necessity of stating that a man who had been engaged in the capture of his dark fellow-creatures was engaged in a legal traffic; that he had a right to go and drag hundreds of thousands of his fellow-creatures, and consign them to all the horrors of slavery; and at the same time tell the jury, that the man who, in obedience to your Lordship's orders, stopped him in the inhuman traffic, was guilty of a punishable offence. I say, your Lordships are called upon to do something for the protection of your own agents, acting upon your own enactments. Now, my Lords, with respect to the Admiralty Court—it surely would be a great security for the suppression of the slave-trade, that that Court should have the power to adjudicate upon such cases in the spirit of English law. The bill can do an injury to no one being; in may be superfluous, but it can do no harm; and if your Lordships should follow the course you took the other night, it will be a source of lasting regret to all those who abominate the horrid traffic. Then, my Lords, with respect to the seizure of other vessels. I am really sorry to say one word upon the subject, after what fell from my noble and learned Friend. I feel ashamed

to repeat that no Act of Parliament can give the Crown power to seize vessels which it is precluded from doing by treaties. The words "any vessel" mean only any vessel which the Crown is now permitted to seize by treaties into which it has entered, and does not include any vessel which under the treaties it could not capture. If the treaty with France or any other power, binds our Government to employ only parties of a particular rank, and require their conduct to be limited by special instructions, surely that does not interfere with the principle of the bill—it can be remedied and provided for in Committee. The description of persons to be employed, may there be made conformable to the treaties. Although by the treaties, the power is restricted to certain classes of individuals, still there is the right of search and visitation. The persons seizing a vessel, must act on their responsibility, for nobody can possibly tell that a vessel was fitted out for slaving purposes, until he has been on board. But let me ask, my Lords, what other possible method is there of putting down the abominable and atrocious slave-trade? Now, my Lords, allow me to allude for a moment to the case of America. Undoubtedly there must be the right of search of American vessels as well as others. There have been seizures of American vessels, and she has not resisted it—nay, she has handed over her malefactors to her own tribunals for punishment, anxious to put an end to the atrocious system. She has said that the slave-trade is piracy—an abomination and an atrocious crime—in which she ought to have been joined by all nations. Now, my Lords, if a mistake is made either with an American vessel or one of any other nation, the captain making the mistake, must be liable in respect of it, or the State in his place. If it were not so, it would be impossible to take any steps for the suppression of the slave-trade. The Government take upon themselves the responsibility of the whole matter, they call upon the House to do nothing but indemnify the officers of her Majesty in the discharge of a duty imposed upon them, and to allow the Admiralty Court to adjudicate upon seizures made under the treaties. I wish to abstain from any topic that can produce any angry feeling. I am anxious to do nothing but call your Lordships' attention to the true state of the case—to show that

there is not one objection made to the measure but can be remedied and obviated in Committee. I therefore say, that my opinion strongly is, that your Lordships should permit the second reading of the bill.

The Earl of *Wicklow* thought, there was great force in the objections taken to the bill by the noble Duke. The measure was not brought in a due and proper manner before the House. It ought to have been recommended by a Royal message. The noble and learned Lord had stated, that the statement of a Member of that House, but especially of a minister, was sufficient reason for legislation on the part of their Lordships—he did not agree in that opinion. Had their Lordships been aware of what would grow out of their resolution of a few nights ago, he thought they would have hesitated before they agreed to it in so hasty and informal a manner. It was true the bill did not add to the powers of the Crown, but it sanctioned the exercise of powers which must lead to explanations, and might prove very embarrassing to the country. A second and more serious objection might be remedied by confining the operation of the bill to Portugal. But then other flags would be resorted to, and the slave-trade would be carried on. If that were the case, the second provision of the bill, calculated as it was to lead to incalculable mischief, must be retained, or the measure would be wholly ineffectual. Though disapproving of the present measure, he was sincerely anxious to co-operate with the Government in any proper measure for the suppression of the slave-trade. He protested, however, against its being considered that his professions were insincere, because he did not happen to agree on the plan which the Government chose to propose. And no desire for the attainment of the more desirable object, the abolition of the traffic in our fellow-creatures, should induce him to assent to a measure which he believed would endanger the general peace, by producing jealousies and dissensions among different nations.

Lord *Colville* said, it was with pain he felt himself on this occasion compelled to vote in opposition to those with whom he usually had the pleasure to act, and against the noble Duke, for whom he had the highest respect. He had hoped that there would have been no resistance to the

bill—and that after the address which had been unanimously agreed on by their Lordships, the Government would have been supported in the means which they took for carrying it into effect. He could not help remarking, that it was very injudicious to call on the noble Lord at the head of the Admiralty, to divulge the orders of the Board, and he complimented the noble Lord for having divulged so much of them, more upon his candour than his prudence. No doubt the bill might have some faults, but they would be amended in Committee. He had intended to rise to advocate the cause of those officers and men who, in obedience to the orders of the Admiralty, might expose themselves to great hazard; but their claims had been so ably stated by the noble and learned Lord on the Woolsack, and eloquently urged by the noble and learned Lord (Lord Denman) that he need not attempt to add anything to what they had said. Those noble and learned Lords had stated, that these parties were wholly unprotected—they could not examine into the constitutional considerations connected with any particular service—their duty was to obey orders. Was it not ungenerous, then, to leave them to be tormented by protracted law-suits, instead of passing the close of their days in peace and comfort, and enjoying those domestic felicities from which they had so long been separated in foreign climes? It was for the British Legislature to do everything they could to put an end to the slave-trade as now existing; and he trusted their Lordships would allow the second reading of the bill, in order that such alterations might be made in Committee as were deemed necessary. God forbid it should go forth to the world, that the House had refused to pass an Act of this description.

Their Lordships divided:—Contents 39; Not-Contents 28: Majority 11.

List of the CONTENTS.

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Richmond		Galloway.
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MARQUESSSES.		Melbourne
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Normanby		Duncannon
Westminster.		Falkland.
EARLS.		BISHOPS.
Minto		London
Ilchester		Peterborough.
Leitrim		LORDS.
Gosford		Holland

Denman	Cottenham
Brougham	Langdale
Seaford	Sudeley
Foley	Methuen
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List of the NOT-CONTENTS.

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Beverley	Lyndhurst
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Rosslyn	Wynford
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Beauchamp	

Paired off.

CONTENTS.	NOT-CONTENTS.
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Stafford	Prudhoe
Hill.	Strathallan.

The following Protest was entered against the second reading of the Bill.

DISSENTIENT—

1. Because the object of this bill is to authorize an officer of the Crown to order the adoption of measures of hostility against Portugal, and other operations of war, not founded upon any public declaration of the Sovereign, or message to this House in the usual form, announcing the necessity for such measures and operations, and calling upon the House to give its legislative assistance to enable her Majesty to carry into execution and perform the same, if such assistance should be necessary.

2. Because this House has not before it the information to enable its members to judge of the expediency and necessity for these measures and operations; of the force necessary to carry into execution and carry on the same; of the probable resistance and retaliation of Portugal and other powers, and, in that case, of the means of resistance of this country for the protection of her Majesty's dominions abroad, and of the innocent and defenceless commerce of her subjects in all parts of the world.

3. Because the constitution of this kingdom and uniform practice have been, to leave to

the Sovereign, acting by the advice of her servants, the decision on all questions of peace or war; and to carry into execution such measures, and to order such operations, as the Sovereign might be advised.

4. Because the enactment by Parliament of measures and operations of war against a power of Europe is unusual and unconstitutional.

5. Because the enactments of the first clause in the bill enable the Lord High Admiral, or any one of her Majesty's Secretaries of State to authorize any person or persons, that is, in a privateer letter of-marque, or otherwise, to detain, visit, demand, search for, and examine the papers of any vessels engaged, or by such persons supposed to be engaged in the slave-trade; and in case such vessels should not have on board, or the master thereof should refuse, or neglect to produce on demand, papers showing that they are justly entitled to claim the protection of the flag of any state or nation, to detain, seize, and capture such vessels, and this, while the existing treaty with the King of the French, for the purpose of more effectually suppressing the criminal traffic called the slave-trade, stipulates that a mutual right of search might be exercised on board the vessels of each of the two nations within certain waters; but that the right of search shall be exercised only by ships-of-war, whose commanders shall have the rank of captain, or at least that of lieutenant in the Royal Navy. That the number of ships, invested with this right, shall be fixed each year by special agreement. That the names of the ships and their commanders shall be communicated by each of the Governments to the other, and information given of all changes. That the ships-of-war authorized to exercise the reciprocal right of search shall be furnished with a special authority from each of the two Governments. That the search shall be exercised only within the waters as described, that is to say, the west coast of Africa from the tenth degree of south latitude to the fifteenth degree of north latitude, as far as the thirty degrees of west longitude from the meridian of Paris; all round the Island of Madagascar, to the extent of twenty leagues from the island; to the same distance from the Islands of Cuba and Porto Rico, and from the coast of Brazil. That whenever a merchant vessel shall have been overtaken, being liable to suspicion, the commanding officer, before he proceeds to the search, shall exhibit to the captain of the merchant vessel the special orders which confer upon him, by exception, the right to visit her. The treaty then proceeds to specify the places to which shall be sent for adjudication French merchant ships detained by her Britannic Majesty's ships, being all of them places in which the jurisdiction was, to be French.

But the first and all the clauses of the bill which enable the Lord High Admiral, or any Secretary of State, to authorize any person or persons to detain, search, seize, and capture

any vessels, require that the same shall be brought for adjudication in the High Court of Admiralty in England, or in any Vice-Admiralty Court within her Majesty's dominion.

6. Because treaties to a similar purport, if not copies of the treaties with the King of the French, have been concluded for the same purpose with the following powers and states: The King of Sweden and Norway, the King of Denmark, the Queen of Spain, the King of Sardinia, the King of the Two Sicilies, the King of the Netherlands, the Hanse Towns, and the Grand Duke of Tuscany.

7. Because the fourth section of the bill particularly refers to the equipment of a merchant vessel which has negroes found on board, shall be considered as a *prima facie* evidence of the employment of such vessel in the transport of negroes or others for the purpose of carrying them to slavery, and requires that such vessels shall be brought to England, or elsewhere, to be adjudicated and condemned in a British court of justice, notwithstanding that the treaty with the King of the French contains a special stipulation upon this very subject of equipment, and provides that merchant vessels under French colours, detained and found to be so equipped, shall be sent for adjudication to a particular place stated, there to be adjudged by a French tribunal. The treaties with other powers contain similar stipulations.

8. Because the provisions of the bill convey powers to the Lord High Admiral and to the Secretaries of State, to give instructions to her Majesty's cruisers, and to give authority to all persons, which must occasion breaches of the stipulations of her Majesty's engagements with nearly all the powers of Europe, if exercised, as they may, and probably will be.

9. Because the exercise of the powers given by the bill to the Lord High Admiral, and to the Secretaries of State, may tend to the detention and search for papers; and the consequences of these acts on board the merchant vessels belonging to the citizens of nations or subjects of powers with which her Majesty is not engaged by any treaty for the mutual detention and search of vessels for the purpose of preventing the traffic called the slave-trade, may be that such detention and search may be resisted or retaliated, and eventually lead to other measures of war.

10. Because it is the Sovereign, with the advice of her Council, who ought to originate such measures likely to be attended by such consequences, if the honour or the interest of the country should require their adoption, and not the Houses of Parliament, whose duty it is to adopt proceedings in support of such measures, when regularly called upon by the Sovereign, by message in the usual form.

11. Because measures so unusual, and calculated to be attended by such consequences, are not necessary in order to obtain from Portugal the due execution of the treaties concluded with the Sovereigns of this coun-

try; at the same time, they are more likely than others to lead to permanent, if not interminable hostilities between the two nations.

12. Because the bill authorizes the capture and detention of Portuguese vessels, and natives of Portugal, subjects to the Crown of Portugal, and their adjudication before a British tribunal for a breach of treaty with the Sovereign of Great Britain and Ireland, and a breach of the law of Portugal; thus assuming a right to exercise a jurisdiction at sea to punish a foreigner by the sentence of the courts of this country, for a breach of the municipal law of his own country.

13. Because such proceedings as are authorized by this bill, are inconsistent with the ancient and honourable policy of this country, to maintain for ourselves peace with all nations, by respecting the rights, institutions, and independence of all, and cultivating their good will by friendly relations, to promote peace between the nations of the world in general, by our good offices and exertions, particularly in favour of the weak.

Wellington

Fitzgerald

Beverley

Rosslyn

Devon

Ormond

Wicklow

Lyndhurst

Redesdale

Hawarden

Canterbury

Shaftesbury

Glengall

De L'Isle & Dudley.

CONTINUANCE OF THE POOR-LAW COMMISSION.] Earl *Stanhope*, on the Order of the Day for their Lordships to go into a Committee on the Poor-Law Commission Continuance Bill, urged the postponement till to-morrow. He did not make this request on his own account, because, notwithstanding the lateness of the hour, and his own advanced age, he still possessed health, strength, and ability sufficient to discharge his duty, and would have no objection to remain in that House till the same hour to-morrow night; but he did ask it for the sake of the question itself. Noble Lords must be aware of the horror and indignation with which this realm viewed the continuance of the New Poor-law, and the powers of those by whom it was administered. Was it then decent, was it not adding insult to the injuries they had heaped on the people, to bring forward at that hour of the night, a measure necessarily involving so many important and interesting considerations? He felt it would be impossible for him to do justice to the question, but though he should expire in the attempt, he was at least determined, that at every single stage, the bill should meet with his decided opposition.

The Marquess of *Lansdowne*, considering the present period of the Session, and the temporary simple nature of the bill, which contained no new provisions, but merely continued the board of commissioners for another year, felt compelled to press the order for its committal. At another stage the noble Lord might state his objections, in which he apprehended he stood single in that House, to the entire principle of the bill.

Lord *Wynford* assured the noble Marquess, that there was one more opponent of the principle of the bill besides his noble Friend. He appealed to the noble Marquess whether it was right at that hour of the night, to discuss a bill in which the public took so deep and general an interest?

Order of the Day read. On the question that their Lordships resolve themselves into a Committee,

Earl *Stanhope* said, although the motion of the noble Marquess furnished him with an opportunity of going at length into the whole question then before the House, he was not disposed at that hour of the night to take so wide a range. He should, therefore, consider it more for the convenience of their Lordships to limit his observations on the present occasion, to the question whether the power of the three Poor-law Commissioners ought to be continued for another year. He was the more inclined to follow that course, because he was ready to admit, that any objections which might be urged against the bill itself, and which might be removed if the bill went into committee, would not afford a valid objection against the motion with which he intended to conclude his observations, namely, that this bill be committed this day three months. He felt that it was requisite that the discussion should be limited, as he had already stated, for no subject could long engage the attention of their Lordships, which embraced such important considerations affecting the rights and interests of a class of the community, which was not represented in the other House of Parliament, and which was therefore specially entitled to the protection of their Lordships. It was from a thorough conviction that in one discussion, to whatever length it might be protracted, it would be utterly impossible to go through the various parts of this subject in a satisfactory manner, that he thought it was desirable, that they should

be all submitted successively to the consideration of their Lordships. Limiting himself, therefore, to what he conceived to be the main purport of this bill, he should say nothing at present upon the annihilation of the ancient and inestimable right of the people to self-government, and upon the flagrant injustice with which vestries had been despoiled of all control in the management of their own concerns. He should also be silent as to the formation of Poor-law unions, some of which were of an extent and contained a population very inconvenient to the poor. Nor should he say anything of the appointment of those novel officers called guardians by a strange misnomer, who were not, however, the guardians of the poor, and in many cases not even elected by a majority of the rate-payers. He should pass over in silence those new prisons erected under the name of work-houses, which were intended as prisons, and which, according to the expression of an assistant Poor-law commissioner, were built to inspire a salutary terror in the minds of the poor. He should say nothing at present of the starvation dietary adopted in those prisons, or of the deaths which had ensued in them in consequence of it, especially in the Bridgewater workhouse. He should take no notice of the laws respecting bastardy, which had produced such demoralizing influence as was shown by the Parliamentary returns now on their Table, exhibiting but a small portion of the cases in which mothers who had been seduced, had murdered themselves and their offspring. Nor should he enter at present into a variety of other considerations of great importance. He should also be silent as to a point which he considered of very little importance, but which was nevertheless deemed very interesting by some of their Lordships—he meant the rapid increase of the amount of the poor-rates under an Act of Parliament, which was recommended to their approbation as a means of preventing the loss of their estates, but which he now said would produce at no distant period the entire confiscation of them. Preserving silence on all these points at present, he would state, that he objected to the appointment of these three Poor-law Commissioners, because their Lordships had no right or legal authority whatever to transfer to them, or indeed to any other

body, the power of making rules, orders and regulations which were to have the force and validity of law. He did not state that as his own opinion, which might be of no value and have but little weight with their Lordships, but he stated it on authority which ought to be regarded even by them with due respect. Locke said,

“that the Legislature was empowered only to make laws, and not to make Legislators, nor was the executive to govern otherwise than by promulgated and established laws, not to be varied in particular cases.”

Blackstone observes, in speaking of the legislative and executive powers,

“that wherever these two powers were found together, there was an end of public liberty, and that it was incumbent on the promulgators of the law to publish the same in the most public manner.”

He would quote another authority, which was that of one of the wisest of mankind, and whose representative their Lordships then saw sitting among them—the great Lord Bacon. Lord Bacon declared, that

“If authority be given by the Sovereign to any commissioner or other, to govern otherwise than by known and published laws, then the Sovereign conferred a greater power than he himself, or herself possessed : ”

adding,

“and, thus, commissioners who will not administer justice by law, but by their own will, may seem rather to desire to be kings than to rule the people under the Sovereign ; and in giving such authority, the King ordains, not subordinate magistrates, but absolute Kings.”

There was no occasion for their Lordships to look through the pages of the new Poor-law to discover that the powers of the Poor-law Commissioners were unlimited, uncontrolled, and irresponsible. And yet when, on a former occasion, he had applied to them the title of dictators—a title which he should repeat whenever he had occasion to name them—a noble and learned Lord seemed quite amazed and lost in astonishment, could hardly believe his ears, and seemed utterly surprised and confounded, that such a term should be so misapplied. If that title was not rightly and properly applied to such persons, if it did not truly designate them, it ought to be expunged from the dictionary as devoid of sense. So unlimited, so extravagant, and

so inordinate was the power of those three Commissioners, that there was no restriction as to the size of the unions they might form, or of the quality of the food which they might introduce into them. So that, if their Lordships imagined an extreme case—which in arguing an abstract matter of principle they had a right to do—there was nothing in the law, supposing that these commissioners were inclined to divide the whole of England into two unions, one for the north, and the other for the south, and to condemn the inmates of these new prisons to half an ounce of bread and a tea-spoonful of gruel a day; there was nothing, he repeated, in the law to prevent them from doing so, or to remedy such an abuse of power after they had committed it. Their Lordships all knew that there was no power of which Englishmen were so jealous as that of taxation. There was no minister since the days of Charles I., whose fate was well known—there was no Minister of modern times bold enough to attempt to exert that power without the concurrence of that body which called itself the House of Commons; and yet, if commissioners could be appointed with unlimited powers of taxation—if, for example, the noble Lord opposite, who was at the head of Treasury, and the right hon. Gentleman who filled the office of Chancellor of the Exchequer, and that great political economist, who had his whole life and being in finance, who wrote on no other subject but finance, who talked on no other subject but finance, and who dreamt on no other subject but finance—he meant Mr. Joseph Hume—if such a triumvirate could be appointed commissioners to impose taxes, it would be less objectionable by itself, it would be less obnoxious to the country, and it would be far less injurious in its results than this Act of Parliament, which conferred upon three commissioners, despotic and irresponsible powers, which they were at liberty to exercise at discretion upon the poor. Let their Lordships go another step farther. If it were legal, if they had a right, if it were not an usurpation, which was in itself illegal, and which could, therefore, be lawfully resisted, to appoint such commissioners, why should not the powers now vested in them be vested in the Sovereign? That would be less objectionable than the present system, for the Sovereign must exercise them under responsible advisers. Where, how-

ever, were the responsible advisers of these three Poor-law Commissioners? That brought him to another argument, and that argument was founded on the manner in which the three Commissioners had violated the very words and intention of the Act itself with respect to the sanction to be given to their general rules and regulations. Their Lordships would find, that, by the 16th section of the Act, any general rules, which were to be applied to more than one union, were not to operate until 40 days after they had been laid before the Secretary of State for the Home Department. If in that time they were disallowed by the Secretary of State, they were not to operate at all; but if they were sanctioned by him, then they were to be laid before the two Houses of Parliament. Their Lordships would not have forgotten, that, when objection was made elsewhere to these arbitrary powers of the three Poor-law Commissioners, it was stated by a noble Lord, who had since taken his seat among their Lordships, that there could be no abuse of those powers, because they were first to be sanctioned by the Secretary of State, and afterwards laid before both Houses of Parliament. Was it not, then, a mockery to find, that in every year which had elapsed since the passing of the law, the Commissioners had evaded it, by not making any general rules at all? Their rules were all special, not general; and the reason, he supposed, was, that these worthy personages were unwilling to be overwhelmed by the compliments which they would have received for their legislation from all parts of the country. It appeared that about two years ago, on the motion of an hon. Friend of his, the Member for Kent, a return was made for all the general rules, orders, and regulations which had been laid before the Home Secretary by the Poor-law Commissioners under the 16th section of the Act. What were they? Orders about matters of no importance. That return was not furnished voluntarily; it was extorted from the despots by an order of the House of Commons. There had been a subsequent return, made by order of the Secretary of State for the Home Department, and which had been introduced very skilfully at the present moment to smooth the way to the passing of this bill. Blackstone had said, that it was incumbent on the promulgators of a law to publish it in the most public man-

ner; but by this Act no direction was given to the Commissioners as to the manner in which they should give publicity to such of their rules as were to have the force of law; it was left to their will and pleasure and discretion. They had the power to publish their rules by the 18th section of the Act, but so far were they from being desirous to promulgate their laws, that they had, if not by a general, at least by a special order, desired that the proceedings at the meetings of the boards of guardians should be strictly secret. They had proceeded with large professions of their anxiety for the public good, with hypocritical pretences of being desirous to elevate the condition and to improve the character of the labourers, and yet at every step they proceeded with a degree of secrecy which was unknown in every other tribunal save that of the inquisition. Nor was this all; for a fragment of one of their special orders was to be found in an excellent pamphlet, called "Practical Remarks on the Severities of the New Poor-law," by Mr. Nicholls—not the dictator of that name, but an elected guardian of the Bourne Union. That gentleman gave, in his pamphlet, an extract of a letter from the notorious Mr. Chadwick, addressed to the clerk to the board of guardians of the Bourne Union, dated July 20, 1837. It was to this effect:

That "individual members of the visiting committee, or other guardians, are not empowered, as such, to visit the workhouse or individual inmates, without the previous leave of the board."

So that, instead of throwing open the doors of these prisons, not to the inmates of them, but to visitors, there was a strict order from Somerset-house to prevent individual guardians from entering them, except by permission of the board. There was another point, also, in which he thought that the country had a right to complain of the conduct of those dictators, and in which they executed the law in a manner not intended by those who were its authors. When a late most eminent writer, then a Member of the other House of Parliament, Mr. Cobbett, proposed, on the original discussion of this measure, that a clause should be introduced, declaring it to be illegal to separate men and their wives in the workhouse, it was said by the noble Lord who was then Chancellor of the Exchequer, and now a Member of their Lordships' House, that

such a clause was unnecessary, inasmuch as such a separation was not intended by the bill. And he spoke not from memory—for at the time he was absent from this country, and had seceded from their Lordships' House, to which he had returned with feelings of regret—he spoke not, he said, from memory, but from records which were familiar to their Lordships, and which were generally authentic. He found from those reports, that when a noble Friend of his brought up a petition from Stoke Regis, and expressed his apprehension that such a separation of man and wife would soon take place in every workhouse, the noble and learned Lord who then occupied the Woolsack, said, that it was quite impossible, and that the wildest imagination had never dreamt of such a thing. What was his horror and astonishment, when having recently found his way into a house of not very reputable character, and not very distant from the chamber in which they were then assembled, he heard a Minister of the Crown declare, that such a regulation was absolutely necessary, that it had always been intended, and that there was not one word to be said against it. He was aware that their Lordships were now arrived at the end of the present Session. It was impossible for Ministers to say what might happen in the next Session, or even before its commencement. For himself, he took no part in those discussions which were considered of a party nature. But some persons might speculate on such an event as a change in the Administration. Advice might, in such a case, be given to dissolve the Parliament; and he knew that by the dissolution of Parliament, the powers of the Poor-law Commissioners would be dissolved too. Now, for the sake of argument, he would assume, that the exercise of those powers had been beneficial and advantageous to the country, instead of being most injurious and most oppressive, and he would ask their Lordships what practical inconvenience could arise from the cessation of those powers? The whole surface of England had been carved out into unions at the mere caprice and discretion of these dictators. When a proposal had been made as to the expediency of introducing the operation of the New Poor-law Act into Manchester, the answer from the authorities was, that it could not be done without the assistance of the military and a large body of the police.

It was strange that a law so beneficial should require such strong measures to be taken to enforce it. The noble Lord, the Secretary of State for the Home Department, upon hearing this, thought discretion the better part of valour, and wisely forbore to press forward the design. In all the unions now existing, the rules and regulations were framed by the board at Somerset-house, and might serve as models for the rules to be adopted by any new unions, if the power of the Commissioners were to cease. With regard, however, to these rules and regulations, he wished the Ministers would agree with each other, as to the extent and meaning of that celebrated measure, the Poor-law Amendment Act. He referred to the usual channels of public information for the words used on a former occasion by the noble Viscount at the head of the Government. The noble Viscount said—

“He knew not for what reason the commissioners should be invested with those large powers to which the right rev. Prelate had adverted, unless to enable them to adapt the provisions of the Act to the peculiar circumstances of peculiar parts of the country.”

That certainly did appear to be the only reason that could possibly be assigned for passing the Act. But, unfortunately for the noble Viscount, one or two colleagues of his, in introducing the bill, recommended it principally for the uniformity of systems which it would produce throughout the country; so that the noble Viscount supported the bill, because it would lead to the establishment of different systems in different localities, and his colleagues supported it, because its consequence would be the universal adoption of the same system. The noble Lord, who was then Chancellor of the Exchequer, expressed himself as follows:—

“An immense advantage would be obtained by the establishment of an uniformity of system throughout the country.”

A similar opinion was given by Mr. Hume, who said,

“If there was any one thing more important than another to the complete success of the measure, it was the uniformity of the plan proposed.”

Sir T. Fremantle “thought that, the principle of the bill was a uniformity of system for all parishes,” and other Members of the House of Commons expressed themselves to the same effect. But the

noble Viscount was not only opposed by his own colleagues and supporters, but by his subordinates, for Mr. Chadwick, secretary of the Poor-law Commissioners, in a letter, dated January 31, 1837, stated, that their orders would “conduce to that uniformity which was so important to the efficient working of all unions.” There was, therefore, no agreement either between the noble Viscount and his colleagues, or between him and the Poor-law Commissioners, upon the question, whether the intent of the Act was to produce uniformity or diversity. In many unions the system adopted was utterly at variance with the orders of the Poor-law Commissioners, because, in some cases, they made concessions to the authority and influence of individuals, upon whose mistaken support they relied for carrying into operation this detestable law; reserving, however, to themselves the power of drawing the cord tighter, as soon as an opportunity was afforded to them. There was no doubt that the new Poor-law was the cause of all the tumults which had already taken place in the country, and would be the cause of those much more serious tumults which, he feared, we should yet witness. With respect to the new Poor-law being the cause of the increase of crime in the country, he would read to the House extracts of letters from a clergyman who had long acted as a magistrate in a neighbouring county:—

“I have seen,” said the writer, “its miserable effects with sorrow and regret, and well know the evils it has produced in the very numerous offences it has occasioned against the law, arising out of those miseries; and I have ceased to act as a magistrate, since I was not allowed to prevent crime, but only to punish it. I am so totally disgusted with the present inhuman and dangerous system of poor-law, that no consideration would induce me to enforce it. I can see no security for the peace of the country until the new law (as if made on purpose to produce disturbance) shall be either repealed or amended. It has been the cause of almost every crime of late, whether burglary, felony, or arson, within my knowledge; and the last nine men whom I committed to the county gaol, and who were tried almost all for capital offences, and transported for life, declared that they had been driven to despair by the refusal of both relief and employment.”

If he did not wish for the maintenance of public peace and for the preservation of the ancient institutions of the country, and of property itself, which would be endangered, and at length destroyed, if this

pernicious Act were persevered in, he should have remained silent, and allowed the evil to take its course. He could entertain no doubt that the new Poor-law, if not repealed by Parliament, would be repealed by the people, but he deprecated the convulsions which would be occasioned by such a repeal. Those convulsions would be of a most tremendous nature, and such as no military or police force could prevent. Whatever might happen, it would be a source of great satisfaction to him to reflect that he had frequently, although ineffectually, warned their Lordships of the danger which they were incurring. He should persevere whether he were supported by few or many, or even without any support, in the discharge of what he felt to be his duty to the people of this country. He trusted that the people would, by such means only as were consistent with law and order, oppose this Act, which violated not only all laws, but trampled under foot the dearest and most sacred rights. To use the words of a noble Friend, whose memory he venerated, and whose loss he deplored, (he meant Lord Eldon), he would say, if Parliament would not do its duty, the people must do theirs. Upon all occasions he felt as strongly upon the subject of this Act, as if he were likely to come within the operation of its cruel and merciless provisions, and to be subject to its injury, its injustice, and its oppression. He had always recommended the people earnestly and fervently to seek the removal of this oppression by all legal and constitutional means, and having thus discharged this duty, to leave the result to Providence, which at its own season and in the fulness of time would judge between the oppressor and the oppressed. He had limited his remarks, as he promised to do in the outset, to the appointment of the dictators of Somerset House, without bringing forward his reasons against the principle of the Poor-law Amendment Act. The House would have to decide on the fate of the measure now before them. He should attach no importance to any amendment which might be proposed to it, because, in his opinion, no amendment was practicable of a bill founded on principles so unjust and so subversive of the rights of the people, and which would be passed, if passed at all, by a Parliament in which the people were not represented. The noble Earl concluded by moving that the bill be read a second time that day three months.

Lord Wynford said, that considering how much agitation prevailed throughout the country on the subject of this bill, and considering its great importance, he was sorry to see that it excited so little interest in the House as to be discussed by a number of Peers barely sufficient to form a jury. When the new Poor-law Act was first introduced, he had objected to the appointment of Commissioners invested with such powers as that Act conferred upon them, because he considered it unsafe and unconstitutional to invest any men with powers so extensive. He thought, also, that it was most unwise to allow three gentlemen sitting at Somerset House, and knowing nothing whatever of the management of the poor, to control and direct the proceedings of country gentlemen, who from their station, habits, and experience, were much more competent to point out and carry into effect such amendments as might be from time to time required in the provisions of the Poor-law, for the purpose of remedying present evils. He had never been blind to the abuses which existed under the old system of Poor-laws, and he should be sorry to see the ancient mode of administering the law again resorted to, but he could not approve of the alteration which had been made by the new Act. It was as absurd to appoint the three gentlemen at Somerset House to direct the administration of the Poor-laws as it would be to subject all the farmers in the kingdom to such laws and ordinances as might be devised by a committee composed of gentlemen taken from the Stock-Exchange. These were his opinions when he had had no experience of the operation of the new law, and everything that had taken place since had convinced him that his first impression was correct. He should, therefore, give his support to his noble Friend, and if they stood alone, the majority against them would not be very great. It was said that the effect of the new Poor-law had been to diminish the amount of the poor-rate; that might have been the case in some large parishes, but in small parishes he knew that the effect was directly the reverse, and that the expence had been considerably increased. But the expence was one of the very least of the considerations upon which the expediency of the measure depended, God forbid that he should purchase a reduction of expenditure by lowering the condition of the poorer classes!

He had been told, however, that wages had been raised in consequence of the new law. Could any noble Lord point out a place where wages had been raised from this cause? Did not every man know that wages, on the contrary, had been diminished? Then how had the poor been benefited by this measure, when it was universally acknowledged that it would be impossible to improve their moral condition without raising their wages? Unless that was done, no education could be given to the lower classes, for at present, at the earliest moment at which a child could earn only a few halfpence for the support of its parents, it was condemned thenceforward to severe labour, which not only deprived it of all opportunity of mental improvement, but weakened and destroyed its physical constitution. It was not without cause that the people of this country were discontented. If he only looked at the dissatisfaction now prevailing in the country, without saying that concession should always be made to popular clamour, he should think there was sufficient ground for resisting the present bill. He was convinced that the dreadful laws now in force would never be changed while the gentlemen who now sat at Somerset House continued in office, and he was, therefore, anxious to put an end to their jurisdiction as speedily as possible. The Poor-law Commissioners had made a regulation that every man shall support his family out of his own wages. If crimes were committed in consequence of this absurd and iniquitous regulation, he (Lord Wynford) had no hesitation in saying that the greatest part of the guilt must lie at the door of those who drive the poor to such extremes. To support such a system as this was to legislate against nature; the attempt could not be made without mischief. There were many of the topics connected with this question, on which, had he not been present in the House since half-past three o'clock that day, he should be inclined to dilate. The poor had no representatives in the House of Commons; they had no hope but in their Lordships' justice, and he feared that that hope would be much blighted when they knew from the division that was about to take place, how very few of their Lordships thought it worth while to assist in the consideration of a question which affected at least three-fourths of the people of this country.

The Marquess of Lansdowne said, that the benefits of the new Poor-law could not have been attained or perpetuated but by the existence of an authority central in its nature, capable of communicating with all parts of the country, and of introducing that degree of uniformity and similarity of principle, necessary to prevent such a law from becoming obnoxious to the inhabitants. It was from the conviction, that if the powers of the Commissioners were withdrawn, unions would cease to be formed, and workhouses, which under the new system would be the sources of so many advantages to the poor, would cease to be built. That war between the labourer and his employer, and between parish and parish, carried on for the purpose of throwing the burden from one parish to another, would again disgrace the country and degrade the poor, while it crippled the exertions of the independent labourer. It was to avert these calamities, that this bill had been introduced, in the hope that being adopted by their Lordships, the system might be suffered to remain in operation, while an opportunity was afforded to their Lordships to consider whether any and what amendments might with propriety be introduced at some future opportunity. He was not prepared to admit with the noble and learned Lord opposite, that wages had in the least degree decreased in consequence of the enactment of the new Poor-law, but he was prepared to maintain, that its tendency had been decidedly to raise the wages of the independent labourer. He was persuaded, that opportunity had not yet been afforded for the full benefits of the law to be worked out, but it had had a marked and salutary influence in raising wages. In proof of this, he would state the very gratifying fact, that during the last year, when the price of provisions had been considerably above the usual rate, the number of the depositors in the savings-bank had increased more than 50,000, and the amount of deposits had increased more than 1,800,000*l*. They had the testimony of Mr. Tidd Pratt, than whom no man was better acquainted with these subjects, that this increase had taken place in a greater degree in the rural districts, than any other part of the country. He asked their Lordships, whether, if the new Poor-law had not had a salutary influence, an increase of the deposits to such an extent

would have been possible? It was only as a temporary measure, that he called on their Lordships to agree to this bill, without which, he firmly believed the great experiment now in progress for ameliorating the condition of the poor, would not receive a fair trial.

Earl Stanhope observed, that no attempt had been made to answer the arguments he had urged as to the unconstitutional and illegal nature of this measure, and still less the reasoning he had offered to their Lordships, to shew that no Parliament in which the labouring classes were not fairly represented, had a right to pass this measure. He could see no reason why the commissioners' power should be continued. The noble Marquess had said, that the new Poor-law had had the effect of raising the wages of labourers; but he forgot that 400,000 workmen were employed in the construction of railroads, and that the demand for their labour, as well as the stimulus given to the iron trade and various other branches of industry in consequence, produced a rise in wages all over the country. No man who had considered the subject for one moment could possibly doubt, that the natural, immediate, and inevitable tendency of that execrable measure, was to lower wages and grind the faces of the poor. The inmates of a county gaol were better fed, and better cared for, than the unfortunates who were reduced to take refuge in an union workhouse. Convinced, as he was, that numberless evils were caused by the new system of administering relief to the poor, he must entreat their Lordships not to be parties to its continuance by adopting the present measure.

The House divided on the original motion—Contents 10; Not-Contents 2:—Majority 8.

List of the CONTENTS.

DUKE.	Normanby.
Richmond.	VISCOUNT.
EARLS.	Melbourne.
Verulam	LORDS.
Liverpool	Rayleigh
Shaftesbury.	Cottenham.
MARQUESSSES.	TELLER.
Lansdowne	Earl Minto

List of the NOT-CONTENTS.

Lord Wynford	TELLER.
	Earl Stanhope

House in Committee.

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Bill went through committee. The House resumed, and report received.

COLLECTION OF RATES.] The Marquess of Lansdowne moved the second reading of the Poor-rates Collection Bill.

Earl Stanhope remarked, that this bill was strangely altered from its original form. It did not bear the most distant resemblance to the shape which it presented when it was first introduced. The necessary effect of the bill in its present shape would be to create throughout the country a most violent spirit of opposition on the part of the rate-payers. In that respect he thought it would have a most beneficial operation; it was the single drop of water which would make the cup of bitterness overflow, and render the new Poor-law a nullity.

The Marquess of Lansdowne said, that the overseers in certain districts having refused to make a rate, and having thus done their best to defeat the object of the Act, this bill became absolutely necessary. The guardians had incurred a very large amount of debt; and a writ of *mandamus* was both a tedious and inconvenient process, to obviate the necessity of which this bill was introduced.

Bill read a second time.

HOUSE OF COMMONS,

Thursday, August 15, 1839.

MINUTES.] Bills. Read a third time:—Bolton Police; Manchester Police.

DISTRICT CONSTABLES.] The County and District Constables Bill read a third time.

Mr. Hodgson moved an amendment, to the effect that constables should not be disqualified for voting at elections for Members of Parliament.

The Solicitor-General said, that he felt no objection to take whatever course might be most acceptable to the majority of the House; it did appear to him, however, that the object of disqualifying constables from voting in their own districts could not be fully accomplished, unless they were also disqualified from voting in those which were immediately adjoining.

The House divided on the question, that the words proposed to be left out stand.—Ayes 39; Noes 17: Majority 22.

List of the AYES.

Aglionby, H. A.	Parnell, rt. hn. Sir H.
Attwood, T.	Pechell, Captain
Baring, F. T.	Rich, H.
Bryan, G.	Rolfe, Sir R. M.
Buller, C.	Rutherford, rt. hn. A.
Divett, E.	Salwey, Colonel
Donkin, Sir R. S.	Scholefield, J.
Duncombe, T.	Somerville, Sir W. M.
Grey, right hon. Sir C.	Steuart, R.
Hawes, B.	Stewart, J.
Hector, C. J.	Stock, Dr.
Hill, Lord A. M. C.	Surrey, Earl of
Hobhouse, T. B.	Thornely, T.
Hoskins, K.	Wakley, T.
Hutton, R.	Warburton, H.
Langdale, hon. C.	Williams, W.
Loch, C.	Wilmot, Sir J. E.
Lushington, C.	Yates, J. A.
Lushington, rt. hn. S.	
Mildmay, P. St. J.	
Muskett, G. A.	

TELLERS.

Parker, J.
O'Ferrall, M.*List of the NOES.*

Blackburne, I.	Holmes, W.
Broadley, H.	Lowther, J. H.
Darby, G.	Lygon, hon. General
D'Israeli, B.	Polhill, F.
Eliot, Lord	Somerset, Lord G.
Forester, hon. G.	Trench, Sir F.
Freemantle, Sir T.	Vere, Sir C. B.
Gisborne, T.	
Gordon, hon. Capt.	Hodgson, R.
Grimsditch, T.	Douglas, Sir C. E.

TELLERS.

In clause 16, Lord G. Somerset moved the insertion of the following proviso: "Provided always, that nothing herein contained shall invalidate the appointment, or interfere with the payment, of parochial constables."

The House divided, when there appeared—For the proviso 30; Against it 32: Majority 2.

List of the AYES.

Blackburne, I.	Lowther, J. H.
Bridgeman, H.	Lygon, hon. General
Broadley, H.	O'Connell, D.
Brownrigg, S.	O'Connell, J.
Calcraft, J. H.	Pechell, Captain
Cochrane, Sir T. J.	Polhill, F.
Dick, Q.	Pryme, G.
D'Israeli, B.	Scholefield, J.
Douglas, Sir C. E.	Somerset, Lord G.
Forester, hon. G.	Townley, R. G.
Grimsditch, T.	Vere, Sir C. B.
Hodgson, R.	Wakley, T.
Holmes, W.	Williams, W.
Irving, J.	
Kemble, H.	
Langdale, hon. C.	
Lincoln, Earl of	

TELLERS.

Freemantle, Sir T.
Darby, G.*List of the NOES.*

Aglionby, H. A.	Redington, T. N.
Baring, F. T.	Rice, right hon. T. S.
Bryan, G.	Rich, H.
Buller, C.	Rolfe, Sir R. M.
Currie, R.	Rutherford, rt. hn. A.
Dalmeney, Lord	Salwey, Colonel
Divett, E.	Somers, J. P.
Donkin, Sir R. S.	Somerville, Sir W. M.
Duncombe, T.	Stanley, hon. E. J.
Gisborne, T.	Surrey, Earl of
Grey, rt. hon. Sir C.	Troubridge, Sir E. T.
Hobhouse, T. B.	Vigors, N. A.
Hume, J.	Warburton, H.
Lushington, C.	Yates, J. A.
Lushington, rt. hn. S.	
Mildmay, P. St. John	
Muskett, G. A.	
Parnell, rt. hon. Sir H.	

TELLERS.

Parker, J.
O'Ferrall, R. M.

On the question, that the bill do pass,
Mr. D'Israeli had opposed this bill on its original stages, although he had offered no factious opposition. Now that the measure had arrived at its last stage, he thought he was justified in entering his protest against it, and dividing the House against its passing. Her Majesty's Government, and those who supported this measure, seemed to have taken up the view, that the first and sole duty of a police was to maintain order; but he (Mr. D'Israeli) apprehended, that, in a free country like England, there was a co-ordinate duty for a police, and that was, not merely to maintain order, but to respect liberty. He could not bring himself to believe that the rural police, as it was proposed to constitute the body by this bill, and as it had been brought into operation in some districts already, could fulfil both those duties. He wished to call the attention of the House to a document, which seemed to have been studiously kept out of sight in the course of the discussion on this bill—the Report of the Commissioners of Inquiry into the State of the Constabulary Force of the Country. There were some curious details in the evidence annexed to that report, which he thought it was the duty of the House not to overlook, clearly showing what must be the character of a rural police formed upon the principles of this bill. It was proved, that the practice of the police, in those rural districts where the force had been called into existence, was to enter cottages, and order lights to be extinguished, because, according to one of the witnesses examined, cottagers had no right to have lights to serve as signals

to poachers and marauders. It was also proved to be their practice, in other districts, to enter cottages in the daytime, and see if there was mutton boiling in the pot on the fire, because a sheep might have been killed in the neighbourhood. He asked the House, if these practices were sanctioned, what would become of the celebrated national dogma, that every Englishman's house was his castle? It might be said that these were very salutary regulations, and referred only to the labouring classes; but he (Mr. D'Israeli) looked upon their rights as equally sacred with those of the rest of the community. Another part of the evidence was to the effect, that the magistrates of Chelmsford regretted extremely that tramps, as they were called, were not exposed to be arrested for hiring beds in lodging-houses, whereas, if they only slept in the open air, they might be apprehended; but they congratulated themselves that the police, under their direction, had entered houses, and examined beds, to ascertain the character of the occupants. How was this to be reconciled with the sanctity of private dwellings, which had always been considered a very important principle of our social arrangements? He could not support this bill, when he looked to the hurried and unsatisfactory manner in which, at the end of the Session, this and other measures of police had been introduced. Although there might be a variation in the circumstances of the cases to meet which they were brought forward, yet, when he considered the manner in which they had been introduced, he must believe that there was an identity of purpose and a similarity of principle in all. The Birmingham Police Bill, on its introduction, was founded on a popular principle; in a very few days that was changed, and the principle of centralization adopted. The present bill was founded on a report which recommended centralization. When he saw that Government adopted that principle with avidity when they were sure of a majority to carry it, and gave it up only when they could not induce the House to agree with them, it was quite clear to him that the principle on which they were proceeding was that of centralization, and which, he believed, would be fatal to the liberties of the country. Under these circumstances, he should take the sense of the House against the passing of the bill, believing that its principle, however it

might be veiled, was hostile to the liberties of the people.

The House then divided, when the numbers were—For the motion 45; Against it 13: Majority 32.

List of the AYES.

Aglionby, H. A.	Muskett, G. A.
Baring, F. T.	O'Connell, M. J.
Bernal, R.	Price, Sir R.
Blackburne, I.	Pryme, G.
Broadley, H.	Reid, Sir J. R.
Brownrigg, S.	Rice, rt. hon. T. S.
Bryan, C.	Rich, H.
Buller, C.	Rolfe, Sir R. M.
Calcraft, J. H.	Rutherford, rt. hon. A.
Cochrane, Sir T. J.	Salwey, Colonel
Currie, R.	Sheil, R. L.
Dalmeny, Lord	Smith, J. A.
Dick, Q.	Smith, B.
Divett, E.	Somerset, Lord G.
Donkin, Sir R. S.	Stanley, hon. E. J.
Douglas, Sir C. E.	Surrey, Earl of
Ellis, J.	Thornely, T.
Freemantle, Sir T.	Townley, R. G.
Gisborne, T.	Troubridge, Sir E. T.
Grey, right hon. Sir C.	Vigors, N. A.
Hobhouse, T. B.	Warburton, H.
Lushington, C.	TELLERS.
Lushington, rt. hon. S.	Parker, J.
Mildmay, P. St. J.	O'Ferrall, R. M.

List of the NOES.

Attwood, T.	Pechell, Captain
Bridgman, H.	Polhill, F.
Grimsditch, T.	Scholesfield, J.
Hindley, C.	Wakley, T.
Hodgson, R.	Williams, W.
Holmes, W.	TELLERS.
Hume, J.	Duncombe, T.
Langdale, hon. C.	D'Israeli, B.

Bill passed.

BANK OF IRELAND.] The Chancellor of the Exchequer moved the Order of the Day for a Committee on the Bank of Ireland Bill.

On the question, that the Speaker do leave the chair,

Mr. O'Connell moved, that the House resolve itself into a Committee that day three months. He declared, that, in the present thin attendance of Members, it was not fitting that a bill of so much importance to Ireland should be proceeded with.

The *Chancellor of the Exchequer* said, that as the bill was for the public interest, he was determined to persevere with it. This was what he was determined to do; for, until the measure were disposed of on its merits, and by way of fair argument,

he should feel he deserted his duty to the country, if he allowed it to be defeated by the mere mechanical means of successive divisions.

Mr. *Ellis* hoped the House would persevere in its opposition, and lay down the principle, that no Minister should ever attempt to take that House by surprise, and inflict serious injury on Ireland.

The House divided on the original motion:—Ayes 36; Noes 17: Majority 29.

List of the AYES.

Baring, F. T.	Milton, Viscount
Bernal, R.	Norreys, Lord
Briscoe, J. I.	O'Ferrall, R. M.
Broadley, H.	Pigot, D. R.
Brotherton, J.	Polhill, F.
Brownrigg, S.	Price, Sir R.
Buller, C.	Pryme, G.
Currie, R.	Reid, Sir J. R.
Darby, G.	Rice, rt. hon. T. S.
Dick, Q.	Rich, H.
Divett, E.	Rolfe, Sir R. M.
Donkin, Sir R. S.	Rutherford, rt. hn. A.
Douglas, Sir C. E.	Smith, J. A.
Fremantle, Sir T.	Smith, B.
Grey, rt. hon. Sir G.	Somerset, Lord G.
Hawes, B.	Townley, R. G.
Hodgson, R.	
Howick, Viscount	TELLERS.
Kemble, H.	Stanley, E. J.
Lincoln, Earl of	Parker, J.

List of the NOES.

Attwood, T.	Redington, T. N.
Bridgeman, H.	Sheil, R. L.
Bryan, G.	Somers, J. P.
Callaghan, D.	Somerville, Sir W. M.
Ellis, J.	Vigors, N. A.
Finch, F.	Wakley, T.
Hindley, C.	Wyse, T.
Langdale, hon. C.	TE L
Muskett, G. A.	Hume, J.
O'Connell, M. J.	O'Connell, M. J.

House in Committee.

On Clause 2 being read,

Mr. *O'Connell* moved, that the Chairman do report progress, and ask leave to sit again. He should lose no opportunity of dividing the House on the remainder of the bill. The Chancellor of the Exchequer had taunted him with not making a call of the House on this bill; if he had had the least chance of success, he would have moved for a call of the House, but he had not, and had therefore abandoned that intention. The Chancellor of the Exchequer had the power to prevent his succeeding in that motion through the aid of the Ministerial Members, and now taunted him with not making it. The

very object of the privilege of Members to divide the House at any stage of the bill, was precisely to meet a case like the present, and Heaven forbid that he should shrink from the performance of his duty. The right hon. Gentleman had himself told a meeting of fifteen Members, in Downing-street, that notice had been given to the Bank of Ireland that the charter was to be discontinued.

The *Chancellor of the Exchequer*: I beg to contradict the hon. Gentleman in the most distinct manner I can.

Mr. *O'Connell*: And I beg to contradict the right hon. Gentleman in the most distinct manner I can. (*Cries of "Order!" "Chair!"*)

Mr. *Ellis*: I rise to order. (*"Chair!" "Order!"*) I rise most distinctly to deny the right hon. Gentleman's assertion. The right hon. Gentleman has told the hon. Member to adhere to the rules of the House, and now he has broken them himself.

Mr. *O'Connell* said, he had been taunted for not having the House full; he should do all he could to have the House full. It was said that by postponing this measure the Bank of Ireland would continue; he admitted it. It was said there would be no inconvenience from this—

Mr. *Finch*: I rise to order. I think I see a gentleman under the gallery taking notes.

The *Chancellor of the Exchequer* said, there was no power of taking notes at all in the House. If the objection of the hon. Member were to taking notes, it would extend to other parties in the House. Unquestionably, persons below the Bar of the House were considered as out of Parliament. If the act of taking notes were objected to, the gentlemen in the gallery taking notes must be objected to.

Mr. *Finch* said, the right hon. Gentleman had not made the distinction between the cases, which must be obvious to every Gentleman in the House. His objection was not to the gentlemen in the gallery taking notes, but to individuals under the gallery taking notes. That course was not the proper one. He saw on the other side the hon. Member for Oxford University, to whose opinion, in questions of this kind, he paid the greatest deference, and to whom he would appeal, and he thought he should have his support.

Sir *R. Inglis* was not prepared to give an opinion upon it. The objection, ac-

cording to the rules of the House, was not to strangers taking notes, but to strangers being in the gallery, and it was in the power of any hon. Member to say, "I spy a stranger in the gallery," and it was then the old practice for the Chairman to move "that strangers do withdraw." He apprehended that the hon. Member did not intend his motion to go that extent.

Mr. *Finch* said, he believed the proper course in this matter must rather rest with another Gentleman, who usually sat at the other end of the House (we believe the Serjeant-at-Arms); therefore, having called the attention of the House to it, he had done.

Sir *T. Fremantle* believed the hon. Gentleman was under a mistake. He believed, it was as consistent for the strangers sitting at one end of the House to take notes as for the strangers sitting at the other.

Mr. *Baring* believed the old practice was for strangers to take notes in the old gallery for strangers. He did not know that they had given any particular privilege to any one part of the House.

Mr. *Finch* hoped it would be understood, that any gentleman who went below the Bar in the strangers' part of the House, might in future be permitted to take notes.

Mr. *O'Connell* resumed. Never had there been a more gross neglect of duty than the non-service of the notice on the Bank. He had not called for petitions on this subject from the city of Dublin, because he had not time to do so. The country was in a sad state; he believed it was never in a worse state, financial and political, and the right hon. Gentleman seemed disposed to revenge all this upon unfortunate Ireland; like the man who, finding himself embarrassed in the world, went home and beat his wife and children. The hon. and learned Member proceeded to explain the causes which had kept away some Irish Members. Whilst he accounted for their absence, he might taunt the right hon. Gentleman with bringing forward the measure at so late a period. From first to last he had been in fault; he was in fault for keeping the people of Ireland in ignorance for twelve months; he was in fault for not bringing in the measure sooner, and the arguments which he had used damaged his own case. He should move that the Chairman report progress.—House counted out.

HOUSE OF LORDS,

Friday, August 16, 1839.

MINUTES.] Bills. Read a second time:—Joint Stock Banking Companies.—Read a third time:—Assaults (Ireland); Sale of Spirits (Ireland); Constabulary Force (Ireland).

Petitions presented. By the Earl of Gosford, from Armagh, against the Repeal of the Corn-laws; also for a Uniform Penny Postage; from a number of places, for allowing Presbyterian Soldiers to attend Places of Worship of their own Persuasion.—By the Earl of Stanhope, from the Shoreham Working Men's Association, for an Inquiry into the Birmingham Riots.—By the Marquess of Lansdowne, from the Kensington Union, in favour of a Collection of Poor-Rates Bill; and from Halifax, for a Uniform Penny Postage.—By Lord Lyndhurst, from Lambeth, against a Clause in the Collection of Poor-Rates Bill.

BIRMINGHAM RIOTS.] Earl *Stanhope* wished for a few minutes to draw the attention of the House, and particularly the noble Lord at the head of her Majesty's Government, to the contents of a petition which had been placed in his hands. It came from a number of persons at Birmingham, denominated the Working Men's Association, and related to the conduct of the Metropolitan Police in that town on the 4th of July last. The petitioners complained, that the Metropolitan Police had on that day made a most wanton and unjustifiable attack on the people of Birmingham. They denounced that force as unconstitutional, and contended that the employment of such a body by the Government evinced a design to destroy the right of the people to assemble at public meetings, and was calculated to subvert every principle of constitutional freedom. The petitioners, therefore, earnestly entreated their Lordships to institute a serious and searching inquiry into the allegations contained in their petition. Before he presented the petition, he (Earl Stanhope) had an opportunity of conversing with the party to whom it had been intrusted, who, he believed, was a person of great respectability, and who was described by those who had long known him as a man of a strictly moral character. He alluded to Mr. Taylor. That individual was present when the attack was made on the people. He had seen the party that morning. He had questioned him on the subject, and he had committed to writing what his informant had described as having occurred. That minute he should take the liberty to read to their Lordships. The noble Earl read as follows:—

"The informant was at Birmingham on the

4th of July last, and returning from the post-office about a quarter before nine in the evening, he passed through the Bullring, which is a space capable of containing many thousand persons, and in which, round Nelson's monument in the centre thereof, was assembled a crowd of persons, in number, as he believes, between 500 and 800, who were listening to a person reading a newspaper, but without obstructing the thoroughfare, and leaving a wide open space all round them. He did not perceive that they were armed or carried sticks, and he did not hear any shouts, or groans, or hissing, or menacing language. They intended to separate, as was usual for them, at nine o'clock. At four minutes before nine o'clock, Dr. Booth and the Mayor came, attended by London policemen. He heard Dr. Booth say to the policemen, and pointing to the man who was reading the newspaper, 'There is the man, do your duty;' upon which the policemen drew their staves, and began to beat the people, some of whom were knocked down, some had their heads broken, and the blood flowed. The people fled in all directions, but afterwards rallied, having procured staves of casks, and shutters taken from the shops, and then the riot began. He was told the next day, by two of the policemen who were employed on that occasion, that they were ashamed of having been so employed, and one of them said that he would leave the service, which was different from what it was when he entered it. He believes that the above-mentioned proceedings created sympathy in Birmingham, in behalf of the Charitists. He was present on the 5th of July last, in New-street, Birmingham, when a bricklayer, who was returning from work, at a little past 9 o'clock in the evening, was desired by a London policeman to move on. The bricklayer said he was moving on, and was struck by the policeman on his mouth, knocking out six of his teeth, and felling him to the ground. The bricklayer rose from the ground, and exclaimed, 'Gentlemen, am I in England?'

From this statement it appeared very doubtful whether any commotion would have taken place had it not been for the appearance of the Metropolitan Police. He questioned whether any disturbance would have occurred but for the violent interference of that force. He did not know what particular charge there might have been against the individual who was reading the newspaper, and he was yet to learn whether reading a newspaper of any description was to be considered as a misdemeanour, leading to a breach of the peace. But, if it even were an offence, the person committing it should have been arrested in a different manner, and the parties assembled ought not to have been treated with such violence. Injudi-

cious, violent, and outrageous conduct, such as was here described, must naturally excite the indignation of the people, and bring into disrepute and discredit those who adopted it.

Petition laid on the Table.

METROPOLITAN POLICE COURTS BILL.] Viscount Duncannon moved the third reading of the Metropolitan Police Courts Bill.

Lord *Lyndhurst* moved, that the 9th Clause, providing a salary of 1,200*l.* a-year for each of the magistrates under the bill be expunged. The reason assigned for granting this increase of salary was, that the magistrates would have additional duties to perform. But, as they had already omitted the clause by which the additional duties would be imposed, he thought that the salaries ought to remain as they were. It would be time enough to grant an addition of salary next Session when the additional duties should be imposed.

Viscount *Duncannon* opposed the amendment, which, if it were agreed to, would hazard the loss of the whole measure, as this was a money clause.

Their Lordships divided on the question, that the clause stand :—Contents 30; Not-Contents 18: Majority 12.

List of the CONTENTS.

DUKE.	Duncannon
Richmond.	Falkland
MARQUESSSES.	Lismore.
Lansdowne	LORDS.
Normanby	Wharnccliffe
Westminster.	Stanley
EARLS.	De Freyne
Gosford	Holland
Bathurst	Foley
Uxbridge	Sudeley
Ilchester	Dinorben
Albermarle	Montford
Devon	Stafford
Stanhope	Lilford
Leitrim	Cottenham
Minto.	Denman.
VISCOUNTS.	BISHOP.
Melbourne	Peterborough.

Paired off.

CONTENTS.	NOT-CONTENTS.
Headfort	Winchester
Methuen	Thomond
Carlisle.	Hertford.

Bill read a third time.

SUPPRESSION OF THE SLAVE-TRADE.]
House in Committee on the Slave-Trade
Suppression Bill.

Lord *Lyndhurst* would then state the amendment he should propose, the object of which was to confine the operation of the bill to Portuguese vessels, and piratical vessels engaged in the slave-trade—that was to say, vessels having no national character. For this purpose he proposed to omit the words,

“That in case her Majesty should please to issue orders to her cruisers to capture Portuguese vessels engaged in the slave-trade, or vessels of any state whatever engaged in the slave-trade, not having on board or the masters whereof should neglect to produce on demand papers, showing to the subjects of what state such vessels belong,”

And to substitute the words,

“That in case her Majesty should please to issue orders to her cruisers to capture Portuguese vessels engaged in slave-trade, or any other vessels engaged in the slave-trade, and not justly entitled to claim the protection of any flag.”

Lord *Brougham* said, he understood it would be convenient if he were to call attention to the effect of the amendment of the noble Lord, as they all had but one object. He was sure that he had not the slightest idea of making this a party question, any more than his noble and learned Friend (Lord Denman). This was no party question, and the best proof of that was, the division of last night, when some of the most constant supporters of the noble Duke opposite (the Duke of Wellington) voted against him. He was quite sure, that the noble Duke had, as much as any man in England, the strongest desire to put down this human traffic. He wished to call the attention of his noble and learned Friend to the difficulty that would be created if his amendment were agreed to. It would only be necessary for a Portuguese slaver or a pirate to hoist the French flag, and from that moment they might sail in safety. If this clause were altogether omitted, and if the bill itself were burned, the Crown could give orders to carry into effect the object sought to be effected by this bill, the only thing was, that the amendment of his noble and learned Friend would leave the masters and captains of cruisers without any security or indemnity in cases where they might seize a wrong vessel, which they might have reason to suppose was a slave

vessel carrying a neutral flag. Let their Lordships once obtain a clear idea of what the difficulties were, and what bearing upon those difficulties the bill had, and what bearing it had not, and could not have, and let them define the bounds of the royal prerogative, and the legislative power of Parliament, as respected the rights of neutrals, and every part of the discussion would then be easy and plain. Whatever they enacted in this statute, did not signify as regarded America, France, or any other country, a single farthing. This bill was intended merely to regulate their own courts for their own purposes. This Act of Parliament could not injure our foreign relations, or endanger the peace of the country, whether they passed it in its present shape or otherwise. The right of seizure and search did not depend upon this Act of Parliament, but upon the orders of the Crown.

Lord *Lyndhurst* said, that by the bill as it stood, not only Portuguese vessels, but the vessels of all nations, were subject to seizure and search, and this search, as regards the other nations, was in contravention of treaties. It might be said, how were they to distinguish piratical vessels from other vessels? This was a matter that rested with the Ministers of the Crown, and it was their duty, if a vessel were improperly seized, to make the necessary explanations.

Lord *Ellenborough* opposed the amendment, and cited a decision delivered in 1817 by the eminent Admiralty Judge, Sir W. Scott, in the case of “*Le Louis*,” which was strongly against permitting the right of search in time of peace. He implored of their Lordships not to take the first step in this novel course of legislation, nor authorize by their act that which he held to be contrary to the law of nations, which would excite the jealousy of every other maritime power, and would not ultimately succeed in putting down the evil which it was intended to suppress, while it would most probably have the effect of involving this country in an universal war.

The Lord-Chancellor said, that the bill did not touch in the slightest degree the right of search, as alluded to by the learned Judge, whose opinion the noble Lord had cited. Captains, in time of peace or war, might run the same risk which they would under this bill. How

were they to ascertain whether a vessel was privateering or Portuguese without instituting a search? The matter must be left to the discretion of the officer in command, and that was simply what this bill proposed. If the right of search was confined to vessels supposed to be Portuguese, it would in effect legalize piracy, because vessels would take care not to have any evidence to show that they belonged to any nation whatever. The amendment would entirely protect all nations who, by treaty, had a right to say this country had no right to interfere, and allowed an interference with Portuguese vessels engaged in the slave-trade, against which a case had been made out, and with pirates in whose favour no noble Lord had spoken.

The Earl of *Wicklow* observed, that the argument of the noble and learned Lord did not answer the objections taken by his noble Friend near him (Lord *Ellenborough*). This bill gave no right of search which did not at present exist, but it appeared to give a Parliamentary sanction to the Government, exercising a power which the Crown ought to exercise on the responsibility of the Government, and not under the authority of this provision. The great objection was, that the bill did not give a right, but that it sanctioned a practice. He objected also to the amendment suggested in the second clause, because he thought officers guilty of error ought not to be protected even in their own courts of justice. He therefore hoped the amendment in the second clause would not be persevered in.

Lord *Lyndhurst* said, he should persevere in the amendment to the second clause, because he thought, that a captain and crew, acting on the authority of Government, should not be responsible for that act, but that if any act was committed which should be contrary to the law of nations, the matter ought to be left between the two states, and compensation should be made by the state, and not by the parties who had acted under its authority. That was the object of his second amendment.

The Earl of *Devon* should be ready to agree in the amendment of his noble and learned Friend (Lord *Lyndhurst*), if he was first informed of the manner in which it was intended to advise her Majesty to exercise the Royal prerogative, but he objected to the principle which sought to

sanction by Act of Parliament an unlimited and undefined right about to be exercised against all the world. No grounds at all had been laid which ought to induce their Lordships to believe, that the Government would do right in advising orders for general search, and for these reasons he objected to the bill as it stood.

Lord *Ellenborough* said, that by the treaty with France, this country was only empowered to employ as limited a number of ships as France in the suppression of the slave-trade; therefore, if any greater number of vessels were employed, those vessels could not act against French ships engaged in that trade. The noble Earl last night appeared to be struck with astonishment because he (Lord *Ellenborough*) had asked to see the instructions, but, notwithstanding the horror the noble Earl might feel, the very first time any capture under this Act was brought under adjudication, those instructions must be produced, or no adjudication could take place. The Act, then, ought to be in conformity with the instructions, because the officers would be indemnified only according to the instructions. Therefore he did not think it was a very unreasonable thing to ask for the instructions, when they were legislating upon them, for otherwise they might pass a bill which would be totally inapplicable to them.

The Earl of *Minto* observed, that it was perfectly true, that by the treaty with France this country was tied down to the employment of a certain number of ships only in the suppression of the slave-trade. But there was a number of other ships employed in putting down the trade under other flags.

The clauses of the bill were amended, and agreed to.

House resumed.

BIRMINGHAM POLICE.] On the Motion of Viscount *Duncannon*, the House went into Committee on the Birmingham Police Bill (No. 2).

On clause 1,

Lord *Brougham* said, in consequence of objections having been raised to vesting certain powers with the town-council of Birmingham, on the ground that the charter was likely to be set aside, he intended to propose, that every part of the bill should remain precisely as it was, except that part which related to the nomination and appointment of the superin-

tendent of the police, and to give that power jointly to the Secretary of State and the town-council, so that the latter should be at liberty to name a superintendent, subject to the approval or rejection of the Secretary of State. If the town-council should not nominate an officer within a certain number of days, then the Secretary of State should at once appoint one. That would provide for the contingency, if it should arise, of the charter not being valid, and it would meet the suggestion which the noble Duke opposite threw out last night. He thought nothing could prevent their Lordships from agreeing to this proposition but a deep-rooted distrust of the town-council of Birmingham, which had done nothing to deserve it. He was told, that the amount of the salary to the superintendent was strongly objected to. Certainly, 800*l.* a-year was a large sum; in other places the salaries of superintendents of police ranged from 150*l.* to 400*l.* a-year, which last was the highest salary. In Liverpool, a much larger place, it was but 400*l.*, and he did not know why it should be twice as much at Birmingham. But he was afraid their Lordships could not alter that part of the bill, and he only mentioned it as an additional ground for agreeing to his amendment.

Viscount *Duncannon* thought it was not unreasonable, that as the bill was to last only two years, a liberal salary should be given in order to secure a competent person for the office.

Lord *Ellenborough* said, his objection to the amendment of the noble and learned Lord was one of principle. He could not consent to divide the responsibility in the manner proposed.

Several clauses of the Bill agreed to.
The House resumed.

HOUSE OF LORDS,

Saturday, August 17, 1839.

MINUTES.] Bills. The Royal Assent was given to the following Bills:—Ecclesiastical Districts; Election Petitions Trial; Lower Canada Government; Cathedral and Ecclesiastical Preferments; Postage Duties; Slave-Trade Treaties; Prisons; Soldiers' Pensions; Stannaries Courts (Cornwall); Custody of Infants; Imprisonment for Debt Act Amendment; Metropolis Police; Militia Ballots Suspension; Tithe Commutation Act Amendment; Sheriffs' Exemption; Real Estates Liability Extension; Prisons (Scotland); Jurors and Juries (Ireland); Public Works (Ireland); Bankrupts' Estates (Scotland); Shannon Navigation; Highway Act Amendment; Highways and Turnpike Roads Returns; Turnpike Tolls; Timber Ships; London City Police.—Read a first time:—County and

District Constables.—Read a third time:—Militia Pay; Rogue Money Assessment (Scotland); Stage Carriages; Soap Duties Regulation; Dublin Police.

HOUSE OF COMMONS,

Saturday, August 17, 1839.

MINUTES.] Bills. Read a first time:—Duke of Marlborough's Pension.—Read a third time:—Corporate Property (Ireland).

Petitions presented. By Mr. J. Ellis, Mr. O'Connell, and Mr. Redington, from a number of places, against the Renewal of the Bank of Ireland Charter.—By Sir R. H. Inglis, from several places, for the better Observance of the Sabbath, against forwarding Country Letters on the Sabbath, and against several of the proposed Post-office Arrangements.

BANK OF IRELAND.] Mr. *F. Baring* moved, that the House do on Monday next, at 12 o'clock, proceed with the Committee on the Bank of Ireland Bill.

Mr. *O'Connell* felt called upon to say, that such a measure was too important to be proceeded with at 12 o'clock; and on the question that it be then proceeded with, he was resolved to take the sense of the House.

Sir *T. Fremantle* wished to know, if her Majesty's Government seriously intended to go on with the bill? He was sure the House must agree with him that the proceedings which took place yesterday and the day before, were not creditable to the Queen's Government. The right hon. Gentleman, the Chancellor of the Exchequer, who was not now in his place, had intimated his intention of going on with the bill. That right hon. Gentleman must, of course, be the best judge of whether Parliament ought, at the present season of the year, be kept sitting for such a purpose. If he thought that the Session should be so continued, then surely the Government ought to take the proper means for securing a sufficient attendance of Members. Whatever course Ministers thought proper to pursue, it was essential that there should be a distinct understanding upon the subject. If it were proposed to proceed with the bill as a Cabinet measure, it should have his support; but to go on as they had been proceeding for some time past, was merely giving a daily triumph to the hon. and learned Member for Dublin, and placing themselves in a ridiculous position.

Mr. *Ellis* regretted that the right hon. Gentleman, the Chancellor of the Exchequer was not then in his place, in order that they might have some clear understanding upon the subject. He had

received several letters from Ireland on the subject, complaining that sufficient time had not been allowed for the examination of the bill, and saying that meetings would be held, and petitions forwarded, if the parties had any reason to think that there remained sufficient time to produce any beneficial effect. He hoped that, under the circumstances, they would not proceed with the bill.

Mr. *F. Baring* said, that he had nothing to take away from, or add to, what his right hon. Friend had already stated upon the subject. As to their not having made a House yesterday, he could only say that which every person present knew to be the fact, that the sole cause of such an occurrence, was the mistake which had taken place with respect to the commission not having been issued sufficiently early. There were Members enough; they might, if they thought proper, have made a House in Parliament-street.

Sir *R. Inglis* observed, that there was only one member of the Cabinet present when the House was counted out, and of the Members then present, not a fourth part were usually supporters of the Government. His hon. Friend near him had said, that he would support the bill if it were made a Cabinet measure; in that he fully concurred, and he must say that unless he received from a member of the Cabinet a distinct intimation that it was to be made a Government bill, and that it was to be supported with the whole strength of the Administration, he for one should not be at the trouble of coming there to give it a support which would not be of much avail. He thought that they ought to be told whether the measure was to be a bill supported by Government or brought in by an individual.

Mr. *Gisborne* thought the case appeared to be like one of assault, and the question was, who struck the first blow. In his opinion, the Chancellor of the Exchequer had struck the first blow, by bringing in the bill contrary to agreement, and at an unreasonable time; he therefore could not condemn the steps taken to defeat it, and thought counting out the House was a fair proceeding.

Mr. *Wakley* said, it was utterly impossible that the bill could pass into a law this year, and he believed that it ought not to pass into a law. He had heard no reason for pressing the bill on the House, in the unseemly manner it had been

pressed on by the Chancellor of the Exchequer. Some of the most important measures in which the interests of the public were involved, were discussed in the House when the number of Members present varied from thirty to sixty a-day. He therefore hoped her Majesty's Government would see the propriety of pointing out to the House on Monday next, what they intended to do during the remainder of the Session, because the mode in which the business of the country was carried on, was in the highest degree unsatisfactory.

The *Solicitor-General* said, the only question was, whether they should proceed with the bill at 12 o'clock or at 4. The bill must come on at some time on Monday, and he thought it would be more convenient that it should come on at the earliest period. He therefore hoped the hon. and learned Member would not press his opposition, because it could not answer any purpose.

Mr. *O'Connell* would yield at once, if he saw any disposition to do justice to his constituents. He heard Gentlemen on both sides of the House; talk very flipantly of the Government not overpowering the opposition to the bill by their numbers. Now he would put it to the House, whether anybody would talk in that way, if it were a question concerning the English people, and what would be said if in a case of that sort, any Irish Member were to get up and say to the Government, "Why don't you bring down your forces, and outvote these English members?" He would certainly persevere in his opposition, and would move as an amendment, that the bill be committed that day three months.

Mr. *Kemble* observed, that no one had recommended any overpowering of the opposition to the bill; it had merely been observed, that it was too much to expect that a Government measure should mainly depend for its support on Members of that House who were wholly unconnected with the Administration. The question now before them, was a choice between 12 o'clock and 4. He thought, that if the object of the hon. and learned Member was to obtain a full attendance of Members, that attendance was as likely to be obtained at 12 as at 4 o'clock. But it was useless discussing the question in that desultory way, and the House had better divide at once.

The House divided:—Ayes 34; Noes 9: Majority 25.

List of the AYES.

Adam, Admiral	Inglis, Sir R. H.
Bernal, R.	Kemble, H.
Broadley, H.	Lushington, C.
Chichester, J. P. B.	O'Ferrall, R. M.
Cowper, hon. W. F.	Pigot, D. R.
Dalmeny, Lord	Price, Sir R.
Darby, G.	Pryme, G.
Divett, E.	Rich H.
Doukin, Sir R. S.	Rolfe, Sir R. M.
Douglas, Sir C. E.	Rutherford, rt. hn. A.
Fremantle, Sir T.	Stanley, hon. E. J.
Grey, rt. hon. Sir C.	Steuart, R.
Harcourt, G. G.	Surrey, Earl of
Hill, Lord A. M. C.	Talfourd, Sergeant
Hodges, T. L.	Troubridge, Sir E. T.
Hoskins, K.	
Howard, P. H.	TELLERS.
Howard, Sir R.	Baring, F. T.
Hutt, W.	Parker, J.

List of the NOES.

Duncombe, T.	Somerville, Sir W. M.
Finch, F.	Vigors, N. A.
Gisborne, T.	Wakley, T.
Redington, T. N.	TELLERS.
Salwey, Colonel	O'Connell, D.
Scholefield, J.	Ellis, J.

HOUSE OF LORDS,

Monday, August 19, 1839.

MINUTES.] Bills. Read a first time:—Corporate Property.—Read a second time:—County and District Constables; Bolton Police.—Read a third time:—Birmingham Police; Joint Stock Banking Companies; New South Wales; Slave-Trade Suppression.

Petitions presented. By Earl Stanhope, from a place in Cambridgeshire, for Altering the present method of choosing Poor-law Guardians; also from the Society for Preventing the use of Climbing Boys in Chimnies, against that practice.—By the Duke of Wellington, and Lord Lyndhurst, from several places, against the Manchester Police Bill.—By Lord Brougham, from the Salesmen of Covent-garden Market, for Including the Approaches to that place in the Metropolis Improvement Bill.

CHURCH OF SCOTLAND—AUCHTERARDER CASE.] Lord Brougham said, the subject which he was about to bring under the notice of their Lordships (the proceedings in the Auchterarder case) was one that was viewed with great interest by a number of their fellow subjects in Scotland. He should, therefore, in order that it might be rightly understood, briefly state the leading facts of the case, and then ask of his noble Friend near him a question, to which, he apprehended, only one answer could be given. The case, which had recently come before their Lordships, involved this question, namely, whe-

ther when a lay patron presented to a living, the people of the parish had a right to be consulted, and to put a *veto*, if they pleased, on the presentation? That question was strenuously argued in the court below, and the Court of Session had decided, that the people had no such right. The case had afterwards come before their Lordships on an appeal from that decision. His noble and learned Friend on the Woolsack, and himself, had heard the most learned counsel on this question, and without any consultation together, in fact without any communication whatsoever between them on the subject, they came to a clear decision, affirming the judgment of the court below, negating the right of the people of each parish to decide on the fitness of the candidate, finding, that the patron had the sole right to present, and deciding, that the presbytery were bound to admit on his trials the person so presented. In fact, he had never seen a clearer case. It seemed to be all one way. The only ground raised against the admission of the individual in this case was, that the people had not consented. But their Lordships, by their decision, had negated the existence of such a right of veto on the part of the people, in accordance with the law of the Church of Scotland, and the law of the land, and, therefore, the ground thus assumed was good for nothing. Since that decision, however, a meeting of the General Assembly had been held, at which the Lord High Commissioner was present, on behalf of the Crown. It should, however, be recollected, that the Crown was not considered as the head of the Church of Scotland more than any one of their Lordships. The Lord High Commissioner was never consulted in any one way. He was merely present, but had no authority whatever. He was merely informed, that the Assembly had adjourned, in order, that he might know when he was to meet them again. The General Assembly, however, met. Things were there stated which were not according to law, and many observations were made, that should not have been made, against the decision that had been pronounced, and the grounds on which it stood. Nothing could be more unsatisfactory than such a proceeding. At that Assembly, a resolution had passed, which, although in terms it professed to obey the decision of the House, yet really placed obstructions in the way of its au-

thority. That resolution was calculated to prevent the patron from duly exercising his legal right. Now, those who proceeded thus could not legally call into question what had been solemnly decided by that House in their judicial capacity. He did not enter into those points as matter of argument, but merely to make the case clear to those who heard him. On a subsequent meeting, and he called the attention of his noble Friend to this fact, an intimation had been conveyed, as he understood, to the General Assembly, through a deputation which had been in communication with her Majesty's Ministers, that the Lord Advocate would introduce a measure into Parliament which would have the effect of settling the question; in which measure a clause would be introduced giving the people the power of exercising the right which they claimed, but which had been negatived by their Lordships. The Lord Commissioner, it was also understood, had sent a letter to the Moderator, stating the satisfaction of her Majesty, at the uniform loyalty of the General Assembly; and intimating that, until the bill was prepared, the Crown patronage should not be exercised without consulting the people. The General Assembly then, after considerable debate, carried a resolution by a majority of 104 to 23, prohibiting the Presbytery, in any event, "from taking the rev. Mr. Young on his trials." Now, it was proper, that they should know whether the letter sent by the Lord High Commissioner, and which went to impugn the decision of that House, was written under a misapprehension; and whether the Government had given any ground which could authorize the General Assembly, proceeding on the report of the deputation, to agree to the resolution to which he had referred.

Viscount Melbourne said, that as to what had occurred with reference to the Lord High Commissioner and her Majesty, it was not in his power to offer any explanation—nor, indeed, in his opinion, would it be prudent to advert to it. He believed, that the noble and learned Lord described the circumstances of the case very accurately. With respect to what had passed between the Government and the deputation from the Assembly, there was not the slightest intention to cast the smallest censure or imputation on the decision of the Court of Session, affirmed, as it had been, by that House. Their Lord-

ships constituted the highest judicial court in this country, and what they decided to be the law of the land ought to be received with respect and obedience. All that had been said by Government was, that this was a very intricate question, and under all the circumstances, deserved very serious consideration; that, therefore, the Lord Advocate would be directed to confer with the Procurator-general, to see whether the matter could not be settled—not with the intention of framing a bill immediately—not with the intention of pledging the Cabinet to proceed to legislate on the subject, but to show, that it was a question that ought to be calmly and carefully considered. As to the Crown patronage, all that was stated on that point, was, that it would be administered, as it had hitherto been, in conformity with the provision of the Veto Act, passed by the General Assembly in 1834.

Lord Brougham said, it was satisfactory to hear from his noble Friend, that there had been considerable misapprehension on the part of the Lord High Commissioner. If the Government had intimated any discontent with the decision of that House, it would have been most unhappy for the peace of the Church, whose safety depended on a strict obedience to the law.

The Earl of Galloway said, nothing could be worse than the way in which the Crown patronage was administered in Scotland. The people being allowed to choose the clergy, must give rise to a kind of "preaching match" between rival parsons, who were judged of according to the sermons which they preached on probation. In one case, it was found, that a preacher who had been elected had copied the sermon, for which he was chosen, from one which had been preached by an eminent clergyman of the metropolis.

Subject dropped.

[POLICE OF MANCHESTER.] Viscount Duncannon, in moving the second reading of the Manchester Police Bill, observed that the case of Manchester was similar, in some respects, to the case of Birmingham, particularly as regarded the charter of corporation, the validity of which being questioned, there was no power of levying a rate for the support of a police force, until that question was decided. The corporation of Manchester had already endeavoured to raise a police force, but

had not very well succeeded; he therefore hoped their Lordships would allow this bill to be read a second time.

The Duke of *Wellington* agreed with the noble Viscount, that the cases of Birmingham and Manchester were similar as regarded the disputed validity of the charters, but in no other respects. Although in Birmingham there was a local police, it certainly was insufficient, as had been recently shown by the necessity of sending for a large force of the metropolitan police, and of collecting in the town a large body of troops, both cavalry and infantry, yet the peace of the town, for some reason or other, was not preserved. In Manchester, as in Birmingham, it was perfectly true, that the legality of the corporation was questioned, and that the question was still undecided in a court of law. But there existed in Manchester a very large and efficient police force, entirely independent of the force attempted to be raised by the corporation. A very large and efficient force had been raised under an Act of Parliament, for the maintenance of the police of Manchester and the neighbouring districts, which had proved itself in very recent instances to be a most effective body in preserving the peace, and putting down the riots which had been there attempted. Seeing what the present state of the country was, and that bodies of men were moving about, endeavouring to disturb the working classes from their occupation, and threatening the destruction of the property of their employers, he could not but think, that all these questions of police were questions of a most important character, which ought to be fully and minutely examined in detail, before their Lordships decided upon them. It was perfectly true, as stated by the noble Viscount, that an attempt had been made by the corporation to raise a police force, and that the police force so raised was not efficient, and probably never would be. But there was another police force—and to this he called their Lordships' particular attention which was an exceedingly efficient force, more efficient than that to be created by the bill under their Lordships' consideration, could possibly become. The whole bill depended upon the first clause, which enabled her Majesty's Government to appoint a commissioner of police at Manchester, and to levy a rate upon what was called the borough, the limit of which rate

was to be 8*d.* in the pound, and the money accruing from which was to pay, not only the expenses of the police force, but the salaries of the commissioner and receiver. The total revenue to be realised by the rate, would amount to 15,000*l.*; after deducting from which the salaries of these two officers, a balance of 13,800*l.* only would be disposable for the police of this great town. He begged their Lordships to observe, that the act of 10th George 4th., by which a police force was established in the metropolis, provided, that, when that police was raised, all other descriptions of police force were done away with, together with all rates, &c., for their support; so that this 13,800*l.* would be the total amount applicable in this case. The police under the commissioners of police at Manchester, which had been lately found so efficient in preserving the peace of the town, would be done away with when this other police force would be established. Let their Lordships see what that police force was. The commissioners of police under the local acts of Manchester were authorized to raise a rate of 1*s.* 6*d.* in the pound, for maintaining a police force, and also for the purposes of lighting, paving, &c. That rate produced 34,000*l.* a-year. Of that sum, the police received 14,000*l.*, which was more than would be raised under this bill. But that was not all; they had, in addition to that sum, the sum of 4,000*l.* under an act of George 2nd., making the amount applicable to the police of Manchester 18,000*l.* He thought the noble Viscount was mistaken in supposing, that the town of Manchester could not have a police force, if the present bill did not pass into a law. It would continue to have its own police, and would have larger funds for its maintenance than those which would be provided by the measure now proposed. Under these circumstances, he earnestly entreated the House not to pass this bill. The question was one of detail. The town of Manchester could not have its present police and that now proposed to be established, at the same time; it must have either one or the other. He recommended the House to permit the people of Manchester to keep that which they had got, and with which they were satisfied. He hoped the House would agree to his amendment, which was, that the bill be read a second time that day three months.

Viscount *Duncannon* said, it was true

that there existed, as had been stated, a power to levy an eighteenpenny rate, but whether that part of the rate, which was applicable to the purpose of watching, could be levied, supposing the charter to be good, was a question.

Lord *Brougham* supported the amendment. Neither of the reasons which were given for passing the Birmingham Police Bill, applied to the present measure. There was no application for such a bill on the part of the inhabitants of the town, nor was any sum of money required to be advanced by the public. He could only agree to such a course as he had suggested with respect to the Birmingham Police Bill, which was to give the commissioner power in case it should be decided by the proper tribunal, that the corporation had not the requisite authority under its charter.

The Earl of *Wicklow* supported the bill on the same grounds as those on which he had supported the Birmingham Police Bill. He felt bound to add, that in the present disturbed state of the country, the House could not refuse to furnish the Government with the force which they sought, without taking upon itself an awful responsibility, and one in which he could not consent to participate.

Lord *Wharncliffe* said, the question was not as to the establishment of a police force, but whether the police, at present existing, was sufficient for the purpose of preserving the peace, and whether the present commissioners could still lawfully exercise those functions which were necessary for maintaining the existing force. He believed that, according to the true construction of the Municipal Corporation Act, the powers of the present commissioners still continued, whether the charter granted to the town of Manchester was valid or not; and as the inhabitants were satisfied with the existing police force, he could see no necessity for the present measure, and should therefore vote for the amendment.

The Lord Chancellor had not anticipated a discussion upon the question of the continuance of the authority of the present police commissioners, supposing the charter to be valid. He had, therefore, not come prepared to give an opinion upon the question. Upon looking, however, at the words of the Municipal Corporation Act, he conceived there were strong grounds for contending, that if the charter was held

to be valid, the acts which had been done under its authority must have put an end to the power of the commissioners. The 84th section provided, that

“As soon as constables shall have been appointed by the watch committee for any borough, a notice signed by the mayor of such borough, specifying the day on which such constables shall begin to act, shall be fixed on the door of the town-hall, and every church, within such borough; and on the day so specified in such notice, so much of all acts named in conjunction with such borough in the schedule E to the Act, and of all Acts made before the passing of the Act, as relates to the appointment, regulation, powers, and duties, or to the assessment, or collection, of any rate to provide for the expences of any watchmen, constables, patrol, or police, for any place situate within such borough, shall cease and determine.”

Now, this clause applied to the boroughs which were expressly mentioned in schedule A of the Act; but then there was the 141st clause, which provided

“That if the inhabitant householders of any town or borough in England and Wales should petition his Majesty to grant to them a charter of incorporation, it should be lawful for his Majesty, by any such charter, if he should think fit, by advice of his Privy Council, to grant the same, to extend to the inhabitants of any such town or borough within the district to be set forth in such charter, the powers and provisions in that Act contained. So that as soon as the charter was granted to any town under the 141st section, the town became subject to the provisions of the 84th section.”

Taking the two clauses together, therefore, and assuming the charter to have been properly granted, it certainly appeared that the authority of the police commissioners must have ceased and determined as soon as constables had been appointed by the corporation, and the day had arrived for their beginning to act according to the notice signed by the mayor. The Legislature could never have intended two co-ordinate and conflicting authorities to be in force in the same town, which would lead to the greatest inconvenience and confusion. It was evident that there was no intention to place boroughs to which corporations should be granted under the 142nd section, upon a different footing from the boroughs in schedule A of the Act; and he thought it must be held, that in both classes of boroughs the police to be appointed under the provisions of the Municipal Corporation Act was intended to be substituted

for, and not to exist in addition to, the local police existing at the time when the respective charters were granted.

Lord *Brougham* differed from his noble and learned Friend in the construction of the 84th section. The words "so much of all Acts made before the passing of this Act as relates to the appointment, &c., of any police within such borough," referred, of course, to the last antecedent—namely, the boroughs comprised in schedule E, and not to boroughs in general, or to those in schedule A. Now, Manchester was not named in the schedule; and, therefore, if his noble and learned Friend thought that the local Acts affecting that town were repealed by the 84th section of the Municipal Corporation Act, he must hold that an Act of Parliament might be repealed by implication. No doubt, the 84th clause might easily have been framed so as to extend to this case, but because the framers of that statute had been unwary in constructing its provisions, that circumstance would never induce any court of law to depart from the ordinary rules of construction. In fact, this was a *casus omissus*, and the parties interested would take advantage of the omission, as they always did, and as they were entitled to do.

The *Lord Chancellor* said, there would have been no doubt if the 84th clause had only referred to the boroughs mentioned in schedule E; but the words were not only "all Acts named in schedule E," but also "all Acts made before the passing of the Act."

Lord *Brougham*: Then what is meant by "any place situate within such borough?" To what borough did that refer?

The *Lord Chancellor*: To the boroughs mentioned in schedule A.

Lord *Lyndhurst*: Schedule A is not mentioned in the 84th section.

The *Lord Chancellor* thought that "such borough" meant the borough to which reference had been made in the previous clauses, which would be those comprehended in schedule A. Then the 141st section brought within the scope of the other clause, towns to which charters should be granted afterwards. He certainly was of opinion that the subject-matter of the 141st clause might have been much more clearly expressed. But the question for the consideration of their Lordships was, whether it would be safe to

leave Manchester in that position in which it would have no police at all. He understood it to be the prevailing opinion in the different districts of Manchester, that the operation of their local Acts was at an end.

Lord *Fitzgerald* thought, that the House was placed in circumstances of great embarrassment, considering the great difference of opinion which existed between the two noble and learned Lords on this important question. Were their Lordships prepared to decide a point like this on such imperfect information? He would suggest the propriety of not pressing forward the bill until the House was more competent to judge. The noble Lord on the Woolsack admitted, that he had not directed his attention to this question before. Had any legal opinion at all been taken by the Government upon it? He (Lord *Fitzgerald*) had been assured, upon the best authority, that in the town of Manchester the prevailing opinion was, not that the operation of the local Acts had ceased, but that they would still continue in force whatever became of the charter.

Lord *Lyndhurst* would not at present give any opinion on the legal question, not having considered the clause. But he found parties to be generally very astute in the consideration of questions in which their own interests were involved; and it was worthy of remark, that a rate had been made in July last, against which not one single appeal had been made.

The Duke of *Wellington* suggested to the noble Viscount (*Duncannon*), either to postpone the second reading of the bill until to-morrow; or read it a second time, with the understanding that the discussion on the principle of the bill should be taken on the next day.

On this understanding, bill read a second time.

SUPPRESSION OF THE SLAVE-TRADE.]
The Slave-Trade Suppression Bill was read a third time.

On the question that the bill do pass.

The Duke of *Wellington* said, that he had precisely the same objection to the bill in its present shape, which he had expressed upon its second reading. He was altogether opposed to the principle of the bill. He could not help thinking, that before the bill was brought to its

present stage, their Lordships ought to have received some intimation of her Majesty's intentions with reference to this subject; that they should have received something more than the small amount of information which had been given by the noble Earl opposite, who was the individual to whom the exercise of the authority given under this bill would be intrusted. In pursuance of the long established usage, their Lordships ought to have received by way of message, a communication of her Majesty's intentions, before they were called on to take this very serious step; and it had been his impression, that such would be the case. He must say, that he did not think the bill was in the least improved, or that any of the objections to it were removed. The measure still retained its criminal character—it was a breach of the law of nations—a breach of treaties entered into between England and other countries. The vessels of other countries were made liable by the bill to be detained, boarded, searched, and their papers examined by cruisers and other vessels commanded by persons in her Majesty's service. He contended, that such detention, boarding, and searching, which was absolutely necessary in order to ascertain whether the vessel was a slaver or not, was contrary to the treaties which had been entered into between her Majesty's Government and nearly all the powers of Europe; and that such measures must lead to discussions of the most disagreeable nature. In his opinion the measure would tend more to prevent the accomplishment of the very object proposed, than to promote it. He would put a case, which he was convinced that no noble Lord would say might not probably occur. He would suppose a French vessel sailing in fifteen degrees of north latitude, and thirty degrees of longitude, calculated from the meridian of Paris. He would suppose that this vessel was detained, boarded, and searched, by one of her Majesty's cruisers, or by one of those other vessels which were under the command of persons employed in her Majesty's service. He asked their Lordships whether this would or would not be a breach of the treaty between this country and the king of the French; and whether, in the case of a Spanish vessel, it would not be a breach of our treaty with her Catholic Majesty? The persons to

whom he had alluded as being in her Majesty's service, and intrusted with the command of these vessels, were a very large, and, he believed, a very respectable class; but they were not commissioned officers in her Majesty's service. Nothing could be more delicate than the execution of orders of this description; and it might happen, that French merchant vessels might be searched, under the authority of this Act of Parliament, in a way to involve a breach of the treaty made with the king of the French, for the very purpose of putting down this traffic in slaves; yet their Lordships were called on to pass an Act which would give occasion to this very breach of treaty. No doubt, they must indemnify the parties engaged in these captures, and prevent them from the liability of being punished in a court of justice. What he contended for was, that these men ought not to be put in a situation which would render them liable to commit such mistakes. The Government of the country must eventually suffer from the irritation which this attempt must necessarily produce, in the ports of other countries with which we were now in alliance. There was a municipal law in Portugal, which the subjects of that Crown violated when they engaged in the slave traffic, as well as the treaty with Great Britain. Really, he (the Duke of Wellington) could not consent to a bill of this description. In his opinion, the foundation of the political power of this country was its moderation and its justice; and, in his opinion, also, if moderation and justice were banished from the diplomacy and acts of all the councils in the world, they ought even with respect to vessels engaged in an improper species of commerce, to find an asylum in the councils of the British Government; and, instead of passing this bill to put down a traffic, which most certainly was infamous, if the Government had taken the more manly course of declaring that they would go to war with those powers who refused or neglected to perform their treaties with this country, there could be no doubt but that by return of post they would learn that they had effected the object which noble Lords opposite had in view. Looking back to the probability of the exercise of the right of search being extended to many powers with whom this country had no treaties whatever, and remembering that the greatest judge who had ever pre-

sided in the Court of Admiralty had held such search to be illegal in time of peace, he thought their Lordships ought to be most cautious on this subject—a subject which he earnestly recommended noble Lords opposite well to consider before they proceeded to carry this into execution. He would not make any professions of an anxiety to put down the slave-trade. He had passed a long life in the service of her Majesty's predecessors. He had served them in diplomatic situations, in their councils and in arms, and he believed people could not accuse him of saying one thing and meaning another; but thus much he would say, that on this subject of the slave-trade there was no person, excepting one illustrious individual under whose directions he had acted, and whose loss, whose melancholy loss, he had never ceased to deplore—with the exception of that one individual, there was no person now living, or who was lost to the public service, who had written more or negotiated one-tenth as much as himself, on this very subject, with which he was now told he was not conversant. He should certainly say “not content” to the passing of this bill.

Bill passed.

The Earl of Minto said, he had been most anxious that the bill should become the law of the land, and as it had now passed, and in the hope of giving greater publicity through the public press to the horrible devices contrived by the parties engaged in the slave-trade, he would take this opportunity of mentioning a circumstance which by being made known might save the lives of some of those individuals against whom the diabolical contrivances were directed. He had received since this subject had been last mentioned, a despatch from the officer commanding on the coast of the Brazils, in which he stated, on the authority of Sir George Hamilton, her Majesty's Minister at the Brazils, that on the examination of the papers of the Portuguese slaver Maria, which had been captured by her Majesty's sloop Grecian, there had been found a diabolical correspondence between the slave merchants there and their agents on the coast of Africa, from which it appeared that directions had been sent to the latter to poison a cask of wine and the water to be left on the decks of the slavers, liable to be taken by the crews of her Majesty's cruisers. Then when the seamen boarded the slave

ships they would drink the wine and the water and be poisoned. This was pointed out as the only way to deal with the English crews. As he was upon his legs, he might be permitted to say one word, in order to remove any anxiety that the noble Duke opposite, or any other noble Lord, might have on the subject of the right of search. That right would not be otherwise exercised than at present. Even now it was necessary, in order to ascertain whether a vessel carrying the flag of France or Spain was a Portuguese slaver, that the British officer should go on board and deal with her as might be required. This was all that would be done under this bill. With regard to the objection that no message or communication had been made from the Throne as to the orders issued by her Majesty, he (the Earl of Minto) begged to remind their Lordships that a communication had been made in answer to the address of this House, stating that it was her Majesty's intention to issue such orders as had been thought proper by the House; and after that, it had not been thought requisite to communicate by another message that the orders which it had been stated should be issued had actually been issued.

Adjourned.

The following protest was entered against the Third Reading of the Bill.

“DISSENTIENT—

“1. Because no communication has been made to this House by message from the Queen which can render necessary, or which can alone justify, this House in agreeing to the proposed enactments of this bill.

“2. Because those enactments authorize measures and operations of war against the subject of a foreign power, Portugal, and their property, for breaches of treaty concluded between her Majesty's royal predecessors and Portugal; and for offences committed against the laws of Portugal on the high seas and on the coast of Africa; and provides that subjects of Portugal and their property are to be brought to England or elsewhere in her Majesty's dominions, to be adjudicated by her Majesty's High Court of Admiralty, or a Court of Vice-Admiralty.

“3. Because the enactments proposed in this bill deprive those foreigners thus to be adjudicated of all national protection.

“4. Because they authorize the detention at sea, the boarding, the demand, search for, and examination of, the papers of all vessels met at sea by her Majesty's cruisers, or any person in her Majesty's service, in direct violation of all the treaties made with each of nearly all the Powers of Europe, for regulating a mutual right of search by ships-of-war of merchant-

vessels, for the suppression of the traffic called the slave-trade.

"5. Because the amendments in the first clause of the bill leave the objection to the exercise of the right of search, exactly where it stood in the bill before it was discussed and altered in committee.

"6. Because vessels sailing under the flag of any nation may be detained, boarded, searched, the demand for papers made (which must be inspected), before the illegal or predatory character of the vessel detained can be established, each of which acts of detention, boarding, demand, search for and examination of papers, is a violation of treaty as between her Majesty and each of nearly all the Powers of Europe, as applied to vessels sailing under their flags respectively.

"7. Because the exercise of such right of detention, boarding, search for and examination of papers of vessels on the high seas, in time of peace, has been declared illegal by the highest judicial authority that ever presided over the English Court of Admiralty.

"8. Because the exercise of such right is liable to be resented and retaliated by all the Powers of the world including those with which her Majesty is bound by treaties; each authorizing restricted and regulated mutual search of merchant-vessels in certain localities, in order to suppress the traffic called the slave-trade.

WELLINGTON,
HAWARDEN,
BEVERLEY,
GLENGALL,

REDESDALE
FITZGERALD,
ORMONDE,
CANTERBURY.

HOUSE OF COMMONS,

Monday, August 19, 1839.

MINUTES.] Bills. Read a third time:—Administration of Justice (Parts of Counties); Courts in Counties.

Petitions presented. By Sir W. Somerville, from Drogheda, and Dundalk, against the Bank of Ireland Bill.—By Mr. M. Philips, from Liverpool, for Inquiry into Mr. Owen's system.

COUNTING OUT THE HOUSE.] Mr. O'Connell wished to call the attention of the House to a practice recently adopted, and which he thought ought to be forthwith discontinued. For some days past, whenever any Member took notice that 40 Members were not present, a bell was rung, in order to apprise all who were within the building, that the Speaker was about to count the House. Anciently the practice was, that the Speaker should not permit business to proceed unless he saw that thirty-nine Members besides himself were actually within the walls of the House. He (Mr. O'Connell) did not mean to impose a duty on the present Speaker, which his predecessors, with the

acquiescence of the House, had for many years omitted to perform, but that which he meant to move was, that the modern practice of ringing a bell should be discontinued. It was absurd to say that forty Members were requisite to make a House, if they were to be called in, like domestic servants, at the ringing of a bell, then counted, and allowed to go away again. The hon. and learned Member concluded by moving, that when notice was taken of less than forty Members being present, no bell should in consequence thereof be rung.

Mr. R. Stewart believed, that the observations and motion which the House had just heard, arose out of a misapprehension. The practice to which the hon. and learned Member for Dublin alluded, was one which had not arisen within the last three or four days; on the contrary, two months ago a general wish was expressed on both sides, that some such mode of giving notice that the House was about to be counted, should be afforded to Members who at the time might happen to be in other parts of the building. He could assure the hon. and learned Gentleman, that the practice had not been resorted to for the first time in reference to the bill then under their consideration. The bell, as the House knew, was rung by direction of the Speaker.

Mr. O'Connell observed, that the hon. Member who spoke last confessed thus much—namely, that the practice was one of modern origin. He was as constant in his attendance as any Member, and he must say, that he had never heard of the practice till within the last four or five days.

The Speaker said, there could be no doubt that the practice was modern. Complaint had been made by the hon. Member for Kilkenny, that the business of the country was often delayed for want of forty Members being present, when, if the division bell were rung, a sufficient number to make a House would immediately attend. Upon which the noble Lord, the Member for Stroud, suggested that it would be a convenience if on those occasions, the bell referred to were rung. The House appeared fully to concur with the noble Lord, and he gave directions accordingly. In doing this he conceived that he had been acting in obedience to the wishes of the House, and he was of course perfectly ready to obey any other

order which they might think proper to make.

Mr. *Wakley* thought that his hon. and learned Friend ought to carry his motion one step further. He ought to prohibit the ringing of the bell upon divisions. It appeared to him most mischievous, that hon. Members should come down there to vote upon a question without having heard one word of the discussion. He hoped that the House would agree to extending the rule to divisions. On several divisions respecting the Poor-law Amendment Act, which recently took place, a large proportion of the Members who voted, came down from Mr. Bellamy's for that purpose, and had not heard a syllable of the debate.

The House divided:—Ayes 13; Noes 34: Majority 24.

List of the AYES.

Brotherton, J.	Langdale, hon. C.
Browne, R. D.	Muskett, G. A.
D'Israeli, B.	Salwey, Colonel
Duncombe, T.	Scholefield, J.
Easthope, J.	Vigors, N. A.
Ellis, J.	TELLERS.
Finch, F.	O'Connell, D.
Hiadley, C.	Wakley, T.

List of the NOES.

Adam, Admiral	Lygon, hon. gen.
Bernal, R.	O'Ferrall, R. M.
Briscoe, J. T.	Parker, J.
Broadley, H.	Philips, M.
Cole, Lord	Pigot, D. R.
Dalmeny, Lord	Pryme, G.
Darby, G.	Rice, rt. hon. T. S.
Dick, Q.	Rich, H.
Diveit, E.	Rolfé, Sir R. M.
Donkin, Sir R. S.	Russell, Lord J.
Du Pre, G.	Rutherford, rt. hn. A.
Fremantle, Sir T.	Smith, B.
Gisborne, T.	Surrey, Earl of
Gordon, R.	Thomson, rt. hn. C. P.
Hodges, T. L.	Troubridge, Sir E. T.
Hodgson, R.	Vere, Sir C. B.
Hoskins, K.	Wood, C.
Howard, Sir R.	TELLERS.
Kemble, H.	Stanley, E. J.
Lowther, J. H.	Steuart, R.

The Chancellor of the Exchequer moved, that the Order of the Day for the Committee on the Bank of Ireland be read.

Mr. *T. Duncombe* moved, that in the opinion of the House, the presence of forty Members was necessary for the transaction of business. The present state of the House was not only discreditable, but disgraceful. The original in-

tention with which the regulation respecting forty Members had been adopted, was that no business should be transacted, unless that number were actually within the House. If the principle were adopted that they might debate with a few Members, and summon to the division those who were scattered about in different parts of the building, he saw no reason why a division bell ought not to ring in Downing-street—why not at the Reform Club—why not at the Carlton—why should not a crier go up and down the streets. He was glad a discussion and division had taken place upon the motion of the hon. and learned Member for Dublin; it would open the eyes of the public to the way in which the business of the country was transacted in that House.

The *Speaker* said, the motion could not be entertained unless it properly came within the description of an amendment to the order of the day. Now, the only amendments which could regularly be moved to that was, that the House proceed to the other orders, or to some other order.

Mr. Duncombe's motion fell to the ground.

BANK OF IRELAND.] Mr. *O'Connell* would move the next Order of the Day. The number of hon. Members forming her Majesty's Opposition was now nearly as great as the regular supporters of the Administration. Hon. Gentlemen opposite had assembled on purpose to support the Government on this bill, a very decided symptom of the character of the course which the Government were pursuing, a course highly favourable to the policy of hon. Gentlemen opposite, and most offensive to the people of Ireland. He was most averse to adopt anything like what might be considered an unfair and factious line of opposition, but knowing well the insuperable objections to this bill, he repeated, that if he should die on the floor of the House, this bill should not pass if they sat there till Christmas. He had pledged himself to his constituents—he had pledged himself to the country—not to allow any motion to be made without a discussion and a division. No man would be warranted in taking this course, if he was not right in the judgment of every rational person. If the bill had been brought in at the beginning of the Session, and he

had adopted such a course, the good sense of the House would have borne down all opposition. But he had the good sense of the House with him on this occasion. There was not a Gentleman present who would get up, and declare solemnly his deliberate opinion that this bill had not been brought in at too late a period of the Session. Was there a man who would say the Irish people should not have had time to deliberate on all parts of the bill, and see how their interests were affected—that the great commercial towns should not be heard, if necessary, at the bar, against the provisions of the bill? The Irish Members had been here from February to July, and when many of them were obliged to leave for the purpose of attending the assizes, and could not come back again, this measure was brought forward. The hon. Baronet, the Member for Wicklow, had talked of the “withering” effect of this monopoly on his constituents. Would the House continue to enforce that “withering” process? Ought not the House to give time to that hon. Member to have a county meeting of his constituents, and obtain the opinions of the thousands who were “withering” under the baneful influence of this monopoly. He should not have taken the present course, if any reason had been given for not bringing the measure forward earlier, or in support of the merits of it. This was a subject which ought to have been discussed before—a subject which his constituents were in a ferment upon, because they were afraid of the Bank of Ireland, and they knew well what would be the result on their commercial dealings if they took part against the Bank of Ireland. If the Government would grant a call of the House, he would then agree to discuss the measure, and submit to be beaten as he did on every other occasion. The hon. and learned Member, in conclusion moved as an amendment, the Order of the Day for the second reading of the “Poddle River Bill.”

Mr. *Dillon Browne* seconded the amendment. This measure had been resisted by every independent Irish representative, by men of the highest condition in the country, and there had not been a single independent vote from Ireland in support of the monopoly. The Government were now hurrying this measure through the House, although they knew they owed their existence to the support

they received from the Irish representatives. It was not treating the Irish Members as they deserved to endeavour to smuggle the bill through the House in this manner. How could Gentlemen who had resisted a civil coercion bill for Ireland, support a mercantile coercion bill? How could they conceal from themselves that in supporting this Bill, they were favouring monopoly? It could not be denied, that the Bank of Ireland was one of the very worst monopolies that ever existed—that it presented the most exclusive features of monopolies. Out of 300 servants of the Bank, only three were Roman Catholics. It was unintelligible, how Gentlemen, who had supported Catholic Emancipation, and who advocated Reform principles should favour so corrupt and exclusive a monopoly. In the persevering with this measure, the Irish people would have one of the strongest arguments for a Repeal of the Union. They were refused railroads because, forsooth, they were poor; curious argument that for refusing people money. And now they were refused a free and unembarrassed system of banking, by which the people of Scotland had been enabled to achieve such enterprises as railroads. Irish Members would neglect their duty most grossly were they not to give every opposition in their power to this bill. In consequence of bad Government the means of communication had long been so bad in Ireland, that, in parts, the news had not reached them that there was such a bill before Parliament. Was it fair and honest that a bill like this should be carried on, not by open and unprejudiced support, but by the aid of the officialists? The business of the House had for some time been carried on by Members, three fourths composed of Government dependents. It was surprising that the Government, instead of propitiating the independent Members, were anxious to gain the support of Gentlemen opposite. This appeared to indicate that the Ministry were only Whigs in profession, and Tories in reality.

Mr. *Gisborne* said, there was a clause in the bill, if ever they should arrive at it, which proposed to continue the monopoly of exclusive issue to the Bank of Ireland, for a circle of sixty-five miles round Dublin. When that clause came to be discussed, it might appear that a majority of Members were opposed to that clause, and,

if so, it was likely that the great ground of difference might be adjusted. If the Chancellor of the Exchequer would make a fair proposal on the subject, he thought the question might be brought to a satisfactory compromise. If something of that kind were not done, he could see no plan of coming to a settlement. A call of the House would not be attended with a satisfactory result, for the Members were now scattered over the world, and many of them would never hear of it.

The *Chancellor of the Exchequer* would not have taken any part in this preliminary discussion if it had not been for the direct question which had been put to him by the hon. Member for Carlow. That question was, whether he should feel disposed to enter upon a fair discussion of the circle of sixty-five miles. For answer, he needed only to remind the House of what he had said to a deputation of Irish Members, that he was perfectly ready to consider the question of boundary; but that he wished to know first of all whether it was intended to involve the question of issue. The answer he received was, that no alteration of the circle would be satisfactory, unless it was accompanied by a concession on the question of issue. He did not think, under all the circumstances, even if he were to accede to the suggestion of the hon. Member, that it would lead to a settlement, if he were to agree, for instance, to compromise, which would apply to Newry and other large towns, and still exclude Drogheda. If he thought otherwise, and could see that an arrangement could be effected by the suggestion of the hon. Member for Carlow, it would be far more agreeable for the Government to adopt it. He would now say a few words in answer to charges that had been made against the Government on this question. First of all, they had been accused of attempting to force this bill by means of an official majority. He had, in consequence, analysed the divisions, and found that, after abstracting the official Members, the sense of the House was in favour of the bill. The tone was now altered, and they were taunted with having the support of hon. Gentlemen opposite. He knew of no reason why hon. Gentlemen opposite should not support this measure, if they believed, as he did, that it was founded on correct principles. He did not think that a call of the House would now lead to a full attendance, and even if 300 Mem-

bers should attend, it would still be in the power of the hon. and learned Member for Dublin to say, that such a number did not sufficiently test the sense of the House. For his own part, he was desirous that there should be a full attendance, because with a full House, he believed, that the bill would be perfectly safe. He trusted they would now be allowed to go into committee, although he had no expectation of gaining anything by the proposal of the hon. Member for Carlow. Were he to adopt that suggestion, he should be told that he had done so in order to conciliate the hon. Members for Carlow and Newry, and that he had done grievous wrong to the hon. Member for Drogheda.

Mr. *Easthope* thought it would be a most expedient and wise determination, if the right hon. Gentleman were to limit the duration of the bill to a period of two years instead of four years, as was proposed at present. As the whole question must be fully discussed and investigated in two years, and that such discussion and investigation would occupy two Sessions, would it not greatly aid the permanent and satisfactory settlement of the question if the bill were limited to that period? Within that time ample opportunity would be given for examining the subject in all its bearings. He knew of no good reason for putting off the consideration of a question, under the weight of which the country was now groaning. What was the chief cause of the distress under which the country was suffering, but the disarrangement which had taken place in all our monetary principles. They should adopt that course which would lead to a full investigation of the subject at the earliest possible period. There were few reflecting men in the whole kingdom who did not consider that the greatest danger affecting the public interests was involved in the question of the issue of paper money. He thought that the House should limit this bill to a duration of two years, and begin their inquiries at the earliest possible period next Session. He trusted the sense of the House would go along with him in the propriety of limiting the time of the continuance of the Charter of the Bank of Ireland to a shorter period than the expiration of the Charter of the Bank of England, in order to force an inquiry into the whole matter early next Session, which could not fail of being attended with great public advantage. It would

obviously lead to a more general knowledge and agreement respecting sound principles than now existed before the time arrived for settling the future question of the Bank of England Charter.

Mr. *Hutton* had hitherto supported the bill, as he was opposed to allowing Joint-stock Banks the power of issuing small notes. But as he had no hopes now of getting his views discussed, he must oppose the motion for going into committee on the bill.

Mr. *John O'Connell* moved that the debate be adjourned till four o'clock.

Mr. *O'Connell* hoped the House would adjourn. It was impossible to do justice to the subject at that hour. Until the year 1823 or 1824, it was proper to observe that all Ireland was subject to the bank monopoly, when the sixty-five mile line was struck as a compromise. He did not think that shortening the duration of the bill—that limiting the time—would answer any good purpose. It was a mere mockery to think of effecting a compromise by merely shortening the time. He understood that they had something in the shape of an offer of compromise from the Chancellor of the Exchequer, if they would consent to sacrifice Drogheda. [*No, no!*] What then did the right hon. Gentleman mean? He heard him say he could not include Drogheda; and it should be known that the Government were supporting the Bank monopoly against the people of Drogheda.

Sir *R. Inglis* had been accustomed, from the force of early education and habits, always to support the Government of the Crown for the time being, and it gave him great pain when he found himself obliged to act differently. He had frequently supported her Majesty's Government during the present Session, but it would be impossible to carry on the public business if hon. Gentlemen should continue the course of opposition which they had commenced with regard to this measure. One day they had a speech hot, the next day it was served cold, the day following it was hashed. They had the same arguments, not merely day after day, but in the morning sittings and evening sittings, in committee and in the House, in every variety of form. He thought the number of Members present quite sufficient to discharge the duties which they were called upon to do, and he trusted the House would not be forced to a division again. The Ministry had com-

mitted themselves to this question, and he hoped they would not shrink from their duty.

Mr. *Gisborne* said, the Chancellor of the Exchequer had shown a disposition to meet the opposition in point of time, but that was not satisfactory to the hon. and learned Gentleman. Then there was the question of distance, on which he thought the right hon. Gentleman was not inaccessible to compromise. The whole point, then, that remained, was as to the town of Drogheda; and the Chancellor of the Exchequer did not object to its having a free banking, but free issue. The right hon. Gentleman must be aware that the one was completely involved in the other.

Sir *W. Somerville*: The renewal of the charter for four years would be quite sufficient to destroy the prosperity of Drogheda. The Branch of the Bank of Ireland there was quite inadequate to supply the demands of the merchants, and the consequence was, that they were obliged to apply to other places for their discounts—to Liverpool, and even Scotland.

Mr. *Kemble* said, if there was any probability of a compromise, the House had better adjourn till four o'clock, and not divide at all.

The *Chancellor of the Exchequer* said, two questions had been put to him—one as to circle, and the other as to time. Now, as to the extent of the circle, he felt that he could not maintain his exclusive principle of metropolitan issue if a competing bank was allowed in Drogheda. He was then charged with an intention to do Drogheda some particular injury; whereas, in fact, he refused to make any alteration as to Drogheda, lest it should be imagined that there had been a desire to do the town a particular injury. With respect to time, he had before stated, that he wished to make the arrangement with the Bank of Ireland contemporaneous with the arrangement with the Bank of England, that is, four years certain, subject to any further prolongation up to ten years more, unless Parliament interfered to prevent it. He had stated also, that it had been admitted by the right hon. Baronet, the Member for Tamworth, that, previous to the year 1844, it was necessary that the whole banking question should be maturely considered; and that it was necessary that this consideration should be given two Sessions at least before that period. He

therefore, thought it was a fair question for consideration, whether the absolute renewal might not be made for two years, and that the period should be employed in investigation. He was so confident as to the correctness of this principle, that he would abide by any decision that men of literary and scientific acquirements might come to. Still he would not surrender the proposition he had made without the consent of the Bank of Ireland.

Mr. *Callaghan* had expected that the Chancellor of the Exchequer would have been able to convince him that he might support the measure; but in that expectation he had been disappointed. The right hon. Gentleman had utterly failed to show any reason why the bill should have been forced on at this period of the Session. If the bill had any principle, it was the principle of exclusiveness, which ought not to be supported by a liberal Government.

The House divided on the question, that the debate be adjourned to four o'clock.—Ayes 22; Noes 55: Majority 33.

List of the AYES.

Aglionby, H. A.	Lushington, C.
Attwood, T.	Muskett, G. A.
Bridgeman, H.	O'Connell, D.
Browne, R. D.	Redington, T. N.
Bryan, G.	Salwey, Colonel
Callaghan, D.	Scholefield, J.
D'Israeli, B.	Sheil, R. L.
Duncombe, T.	Somerville, Sir W. M.
Easthope, J.	Vigers, N. A.
Ellis, J.	
Finch, F.	TELLERS.
Gisborne, T.	O'Connell, J.
Hindley, C.	Wakley, T.

List of the NOES.

Adam, Admiral	Henniker, Lord
Baring, F. T.	Hobhouse, rt. hon. Sir J.
Bernal, R.	Hodges, T. L.
Blackburne, I.	Hodgson, R.
Broadley, H.	Hoskins, K.
Chapman, A.	Howard, P. H.
Chichester, J. P. B.	Inglis, Sir R. H.
Clay, W.	Irving, J.
Cole, Lord	Kemble, H.
Dalmeny, Lord	Labouchere, rt. hon. H.
Darby, G.	Lockhart, A. M.
Dick, Q.	Lowther, J. H.
Divett, E.	Lushington, rt. hon. S.
Donkin, Sir R. S.	Lygon, hon. Gen.
Dotin, A. R.	Morpeth, Viscount
Douglas, Sir C. E.	O'Ferrall, R. M.
Freemantle, Sir T.	Palmerston, Viscount
Gordon, R.	Parnell, rt. hon. Sir H.
Harcourt, G. G.	Pigot, D. R.
Hawes, B.	Polhill, F.

Price, Sir R.	Steuart, R.
Pryme, G.	Surrey, Earl of
Rice, rt. hon. T. S.	Thomson, rt. hon. C. P.
Rich, H.	Troubridge, Sir E. T.
Rolfe, Sir R. M.	Vere, Sir C. B.
Russell, Lord J.	Wood, C.
Rutherford, rt. hon. A.	TELLERS.
Smith, B.	Parker, J.
Smith, R. V.	Stanley, E. J.

Question again put, that the Order of the Day be read.

Mr. *O'Connell* moved, that the debate be adjourned till five o'clock.

The House again divided on the question of adjournment.—Ayes 20; Noes 56: Majority 36.*

Question again put.

Mr. *O'Connell* moved that the debate be adjourned till to-morrow. He frankly admitted his object was delay. "Sufficient unto the day was the evil thereof," and he wished to finish the evil for to-day.

After some discussion,

The *Chancellor of the Exchequer* intimated his readiness to agree to the amendment, seeing that, if he did not, the time would be occupied by divisions till the period when it was originally meant to adjourn (viz. three o'clock).

Sir *C. Douglas* said he should like to know how the Government intended to carry out this bill, if the hon. and learned Gentleman persisted in his opposition?

The *Chancellor of the Exchequer* said, that point would, perhaps, be better discussed to-morrow.

Sir *F. Freemantle* said, the right hon. Gentleman had not shown the earnestness which he anticipated, when he saw him come down attended by such a number of his colleagues. He thought the course now taken almost tantamount to the abandonment of the bill.

The *Chancellor of the Exchequer* thought that no one could accuse him of want of earnestness in fighting this measure. The ground which he had taken was perfectly satisfactory to himself; and as there was a measure of great importance to be brought forward to-night, he would not wish to mix it up with an impending debate, when it could not be discussed as it ought to be.

* The names on the second division, with the exception of Mr. Gisborne and Mr. C. Lushington, absent from the Ayes, and Sir G. Grey added to the Noes, were the same as those on the first.

Further consideration of the question adjourned to the following day.

DUKE OF MARLBOROUGH'S PENSION.] The Chancellor of the Exchequer moved the second reading of the Duke of Marlborough's Pension Bill.

Mr. *Hume* must continue to object to the bill, and moved that it be read a second time this day three months.

Captain *Pechell* thought the bill necessary and just, and said, he should give the Chancellor of the Exchequer his support through all its stages.

The Chancellor of the Exchequer defended the bill. The matter having been referred to a Select Committee, composed of Gentlemen on both sides of the House, not one of whom were by office connected with the Government; and that committee having unanimously assented to the provisions of the bill, he trusted the House would see no difficulty in agreeing to the second reading.

Sir *R. Inglis* supported the second reading. He believed if a proposition had been made to pay a sum of 5,000*l.* per annum to the Dukes of Marlborough for ever, it would meet with no opposition in that House. The three branches of the Legislature having vied with each other in conferring honours and favours on the Duke of Marlborough, and an error having crept into the bill by which the amount of income was diminished, when the understanding was, that it should be free from all deduction, he hoped no opposition would be given to the bill.

Mr. *Harcourt* considered the measure to be called for, and he hoped, therefore, that it would meet with the sanction of the House.

Mr. *Hume* admitted, that the feeling of the House was against him, and therefore would not divide.

Bill read a second time.

FUNDING OF EXCHEQUER BILLS.] The House in Committee, to take into consideration, a resolution for funding 4,000,000*l.* of Exchequer Bills.

The Chancellor of the Exchequer: I am quite aware that the subject I am about to introduce to the notice of the Committee is one of very great importance, but it is one also which it may not be very practicable to present to the House in a clear and distinct form. At the same time, I shall do

my best to make it intelligible. But before I go into the question which forms the immediate subject matter of the resolution I have to propose, I wish to explain both to the House and to the public the exact condition on which I propose that the Exchequer bills market should stand, if this vote should be carried into effect, and also the condition in which—if the subject, which has been already too much, rather than too little discussed, namely, the Bank of Ireland charter, should be passed—would place Exchequer paper. The comparison which I shall institute with former times will not apply to a very remote period. If I were to explain to the House the immense advance of the unfunded debt from the commencement of the war to the return of peace, it would afford no practical result. It is matter of astonishment, when, looking back to that period, that this country should have been able to sustain the enormous amount of unfunded debt in the Exchequer market. But it was not sustained without great inconvenience at various periods. The comparison I propose to institute is between the year 1836 and the present year. In the year 1836, the amount of Exchequer bills constituting the unfunded debt, outstanding on the 5th of April of that year, was 28,504,850*l.*; in the year 1837, the amount was 25,394,450*l.*; in the year 1838, the amount was 24,043,850*l.*, and in the present year (1839), the amount outstanding on the 5th of April was 24,025,650*l.* [Mr. *Hume*: Does that include Exchequer bills for public works?] For supplies exclusively. The comparison then stands thus; that in the year 1836, the outstanding Exchequer bills for supplies alone was 28,504,850*l.*, whereas in the present year the amount is 24,025,650*l.*, showing a reduction in that class of securities of 4,479,200*l.* With respect to other classes of Exchequer bills, the reductions have been these. For advances for public works in 1836, the amount was 328,650*l.*, for the same purpose in 1839, the amount is 195,850*l.*, making a diminution of 122,800*l.* The amount of bills issued for the relief of the West-Indies in 1836 was 156,850*l.*, for advances this year 8,000*l.*, making a diminution of 148,850*l.* On account of Irish tithes I propose to have funded 900,000*l.* Exchequer bills, and the resolution which I am now about to propose, and which I trust the House will do me the favour of accepting, will dispose of four millions more. So that, if this operation should be

completed, the comparison between the years 1836 and 1839, will present a reduction in favour of the latter year, to the following amount :—

Reduction of Supply Bills	-	£4,479,200
„ Irish Public Works		122,800
„ West Indies	-	148,850
„ Irish Tithes (proposed)		900,000
„ Funding (proposed)		4,000,000
		£9,650,850

If I may be allowed, without irregularity, to allude to what has passed in another place, a very great authority has called the attention of the House of Lords and of the public to the expediency of reducing a portion of the unfunded debt. In this House, also, the hon. Member for Kilkenny, more than a month ago, expressed a hope that the present Session would not be allowed to close without reducing the unfunded debt. Undoubtedly, I am quite prepared to have the question put to me—"If this should be done, why have you not earlier made your proposition?" I will tell the House why. Because I did not think it just or expedient to make the proposition at an earlier period. The House is aware, that upon closing the supplies of this year, it became necessary to provide, in consequence of the extra Canadian expenditure, a vote for 25 millions of Exchequer bills, in the place of 24 millions, which was the amount for the last year. This might not have been required to be increased during the Session, nor hereafter, but if I had made a proposition for funding any portion of the unfunded debt, keeping the parties interested in ignorance of the possibility of further advances beyond the one million under this head of public securities, those individuals would have had a right to complain of their being called upon to enter into an engagement with the public without a full knowledge of all the facts affecting their interests. There is another matter which I think quite essential to be noted, for the purpose of fair dealing. I have had the honour of passing through the House in the present year a bill of no common importance—a measure important in itself, and beneficial as I hope it may prove in its consequences in many respects, but a measure also, as I stated when I brought it forward, involving very serious considerations with regard to the revenue of this country. I mean the bill for reducing the rate of postage. That bill affected so large an amount of the public revenue that in the judgment of some—though not in mine

—it might have materially influenced the credit of the country. I did not therefore, think it just, in respect to those who might be called upon in the way of contractors, to require them to enter into any engagements in reference to the funding of Exchequer bills, until it was known that the Postage Bill would be passed into a law. When it was very certain that that measure would become a law, I then made a communication to the gentlemen of the money market in the city. That communication was addressed to them on the 10th of August instant, and the interval of time for making tenders (which was by some considered too short) was limited to Friday, the 16th instant. Before I state the particulars of what has occurred between the Government and the capitalists with whom we have entered into communication, it is necessary I should explain distinctly to the House the former mode of proceeding in respect to loans, and the course which I have now adopted, pointing out how far that course differs from the practice of my predecessors. I shall then endeavour to state the grounds of justification on my part for having taken a course different from the accustomed one on former occasions, leaving it to the House to determine whether I have acted rightly or wrongly in the adoption of it. The ordinary mode of funding Exchequer bills, is, by the minister for the time being, fixing arbitrarily upon a price which he believes just, as between the public and the contractor, and then communicating his terms to the Bank of England, and the gentlemen of the Stock Exchange, who either accept his price and enter into a contract for the loan, or altogether reject it. Now, in these instances, the whole responsibility rests with the Minister in fixing the price. It is fixed purely upon arbitrary grounds. As a matter of reason or opinion it may be suggested that the price fixed is a just one; but upon that point individuals may differ. There can, however, be no test equivalent to that which is found in free and open competition, where the clashing of different interests makes it perfectly certain that the public object has been obtained, and that Exchequer bills have been funded at the cheapest rate. Now, observe the danger to which the funding of Exchequer bills is exposed by the more ordinary course, as compared with the principle which I have adopted. The principle I have adopted is this, the loan being a loan for four millions, the Government invited the capitalists to

a most unreserved competition. It was stated, that a loan limited to 500,000*l.* would be received; therefore, there was the utmost competition created that the public convenience could require. As long as it was a matter of contract, it was absolutely necessary to fix a limit to the amount to be tendered for. It was impossible to enter into an arrangement with the owner of every 500*l.* Exchequer bills that might be presented. However, it was perfectly open to any person to enter into a contract for the whole four millions. I wish to contrast the results, *a priori*, of taking the one course; namely, the more ordinary course of a fixed price on the responsibility of the Minister, and the other course, namely, that which I have myself taken. It must be the object of every person filling the situation which I have the honour to fill, to propose an operation which may be carried into immediate effect. Therefore, if you cast upon me the fixation of the price, in all probability he will fix such a price as will insure success to the operation; or in other words, he will fix a price so high as will make it perfectly certain that individuals will come in and accept his terms. While, on the other hand, the tendency of my plan being to reduce the profits in proportion as the competition is augmented, the operation of it is not likely to be so immediately completed. Therefore, the conclusion to which I arrive is, that although the fixing of a price, and of a pretty high price, may be more for the convenience of the Government of the day than by inviting competition, yet if the loan be not one of a very large extent, but one for funding a moderate proportion of the full amount of Exchequer-bills outstanding, and, above all, if there be on the part of the money market a demand for stock, a free competition among the capitalists must lead to an advantageous result. That would be the theoretical reasoning upon the subject. How is that reasoning borne out by the result of practice? I will refer to the two last operations that have been made as an answer to this question. In 1825 a funding of three millions of Exchequer-bills took place. It was during Mr. Canning's administration. The course then taken was to fix a price, and send it to the gentlemen of the Stock Exchange. Now, observe, by the theory the fixing of a price has a tendency to give a high price to the contractors. If that theory be true, a proof of it ought to be shewn in the result of the contract made by Mr. Canning. And

what was that result? Why, it was stated in Parliament on that occasion as a fact, that although the loan was only for three millions, yet individuals actually came forward with tenders who represented eighteen millions of Exchequer-bills. Is not that in itself pretty good evidence that my theoretical argument is correct, and that the price fixed by the Government was disproportionately high? It was stated to amount to a bonus of 2*l.* per hundred. I think both the fact and the reasoning equally prove, that that operation was an expensive one. The same result I find stated in respect to the loan made in the year 1829. At that period the Chancellor of the Exchequer stated, that the terms of the proposition made to the city were considered so advantageous, that although the time given for making tenders was three days, the loan was filled up in as many hours—a strong proof that the terms were too favourable. Such, then, is the reasoning upon the subject, *a priori*, and such is the result of the experiments of 1825 and 1829, fully supporting that reasoning. Now, a word or two on the subject of authority. As I have taken a new course, I beg to say I do not rest it merely either on reasoning or upon the result of the facts to which I have referred. I find that so early as in the year 1801, on the funding of 8,500,000 Exchequer-bills, where there was a gain or bonus given to the parties of four and five per cent., complaint was made in this House of the loss sustained by the public, and it was stated, that if the bargain had been made by competition, there would have been a better chance of the Government obtaining an advantageous offer. But I have a stronger and a much more important authority to adduce in support of the course I have taken on this subject. In 1829 this very question was agitated in the House of Commons, and on that occasion an individual whom I have always looked up to as the highest authority on any question of commerce, and as a very high authority upon questions relating to our general finances—I mean Mr. Huskisson—gave his opinion in favour of the course I have taken, namely, that of allowing the fullest and freest competition the money market could afford, in the place of the Government taking upon itself to name a fixed price upon its own responsibility. On the 8th of May, 1829, Mr. Huskisson stated, that

“He would not now enter into the discussion as to the terms upon which the 3,000,000*l.*

of Exchequer bills had been recently funded. It would have been, on that occasion, perhaps more desirable not to have specified the terms of the contract, but to have let the parties offering for them bid against each other. It appeared that offers were made to the extent of 18,000,000*l.*; and if the course to which he had just alluded had been adopted, it was more than probable that the competition would have been still greater, and that better terms might have been obtained for the public.^{77*}

An authority more distinct, more precise, and more to the purpose, cannot by possibility be adduced. Upon the general principle of competition, I will not say one single word; but I have been anxious to show that in the course I have adopted I am supported by theory, by the result of former funding of Exchequer bills, and by the great authority of Mr. Huskisson. But before I go further, I will take the liberty of adverting to a complaint which I understand has been made against me by reason of the terms of my proposition. It has been said, "Why limit the operation altogether to the funding of Exchequer bills; why not extend it, partially at least, to money?" Now, I beg the House to observe, that this is not an operation for the purpose of obtaining a loan for public purposes generally; it is for the purpose of limiting the number of Exchequer bills in the market. It might have been very convenient to gentlemen who had money funds at their disposal, that I should have contracted for a money loan, and afterwards have applied it to the redemption of Exchequer bills; but how should I have stood with the public? In the first place, I could not contract for money without giving to the parties the ordinary advantages which that operation would produce, besides the advantage which a knowledge of the subsequent use that was to be made of the money would necessarily give them. What would have been the effect of taking four millions out of the money market in August for the purpose of returning it back into the money market at another period? The first effect would have been, that no sooner would the first instalment have been paid, than a pressure would have been made upon the Bank of England to issue not only the amount of the instalment so paid, for the purpose of filling up what would have been called a chasm or deficiency in the money market, but a still larger amount, and then would have come a depreciation of the currency, which might have produced an

action upon the circulation that might have been productive of the most serious consequences. This is not all. Observe, these parties contend that I ought to have made it a money loan, and then have applied the money to the extinction of Exchequer bills. Now, the first part of this plan, I repeat, could not have been effected without giving to the parties contracting the usual benefits of such operations, which must, of course, have been paid by the public. But what would have been the next effect of this mode of proceeding? The moment the money was applied in the purchasing of Exchequer bills, the price of those bills would have been raised against myself; and thus, in both branches of this proposed operation I should have been enhancing the terms to my own detriment. I trust it is not necessary that I should argue this part of the question further. It is clear to demonstration that no party, except a party personally interested, could think that I should contract for four millions in money for the purpose of applying those four millions in the extinction of Exchequer bills. I come now to the proceedings which took place on the 16th of this month, which was the day fixed for receiving the tenders. The principle of open competition being adopted, the system pursued became necessarily analogous to that of a loan. I did not know up to the morning of that day whether I should have had one or more tenders. I was given to understand that I should have one offer, but I had not up to that morning the slightest knowledge that I should have had any more. I mention this more distinctly, because observations have been made upon this subject, and more especially with respect to the tender made by the Bank of England, and which was put in on that morning. I am speaking in the presence of the Governor of the Bank of England, and I say, that not only was I entirely ignorant of the amount which was about to be tendered for, or the price suggested on the part of the Bank, but that up to that morning I did not know that the Bank of England was about to make any tender at all. It was on the morning of that day when the hon. Member for Dover (Sir J. R. Reid) and his colleague, the deputy governor of the Bank, waited upon Lord Melbourne, that I was for the first time informed that the Bank was about to make an offer. Undoubtedly I had anticipated the possibility of the Bank making an offer, and I think the Bank was perfectly justified in making it. But, again I repeat, that up to

* Hansard, New Series, Vol. xxi., p. 1228.

that morning I was not aware that the Bank of England intended to make any tender whatever. With respect to the third offer which was made, the gentleman who made it, I believe, had only arrived from Scotland in the course of the morning of the 16th. The other and the larger offer was made by a very great house, perfectly well known in money operations in this as well as in other countries; and I hope that those who now bear the name of the deceased head of that house, will show the same ability in conducting its operations as he himself displayed. Certainly, in his own operations, there could not be an individual more entitled to respect and regard than the late Mr. Rothschild. There being these three offers, the course pursued was this:—There was a sealed paper prepared by Lord Melbourne and myself, containing the terms of the Government proposal, but which was not to be opened until after the tenders were delivered. The principle, however, which was adopted by us was this—that if the offers made were more favourable than the terms contained in the sealed paper, of course they would be accepted; but if the tenders were not so favourable as the terms in the sealed paper, then the contract was, in the first place, to be made with the party who offered the most advantageous terms, and then in succession with the others, according to their terms. The offer made by the Bank of England was 109*l.* 5*s.* 10*d.*; the offer of Messrs. Rothschild was 110*l.* 17*s.* 6*d.*; and the offer by the Commercial Bank of Scotland was 111*l.*; while the proposal on the part of the Government, as expressed in the sealed paper, was 110*l.* The House would see, that these offers came very near to the Government proposal, and to each other in many points of comparison. Of course the tender by the Bank of England was received. The value in stock as represented by these tenders stands thus:—the offer of the Bank of England is equal in three per cent. consols to 91*l.* 10*s.*; the Government proposal is equal to 90*l.* 18*s.* 2*d.*; Messrs. Rothschild's offer is equal to 90*l.* 3*s.* 10*d.*; and the offer of the Commercial Bank of Scotland is equal to 90*l.* 1*s.* 10*d.* The average price of consols on sixty-four transfer days, ending the 16th of August, with the dividend due on that day, was 92*l.* 4*s.* 3*d.*¹/₂; the closing price of consols immediately before the loan, was 91*l.* 12*s.* 6*d.*; therefore, the difference between the several proposals and the closing price of consols will stand thus:—

Bank offer below the closing price	£0	2	6
Government proposal, ditto	..	0	14 4
Rothschild's offer, ditto		1	8 8
Commercial Bank of Scotland, do.		1	10 8

The difference between the several proposals and the average price of Consols on sixty-four transfer days, including the dividend, is as follows:—

Bank, below the average price	£0	14	3½
Government proposal, ditto	..	1	6 1½
Rothschild, ditto		2	0 5½
Commercial Bank (Scotland), ditto	2	2	5½

It is certainly curious, that the proposition contained in my sealed paper, should have afforded so near an approximation to the mean rate of the *bonus* between the highest and the lowest offer. I have now stated what took place at the opening of the papers. A tender was made to the Bank of England first on the terms of my proposal, and then to the others, if they would accept them. That offer was successively declined. The consequence was, that a communication was immediately made to the city, which stated, that Government adhered to their proposal, 110*l.*, and were ready to receive at the Bank of England any tenders to complete the loan required. The days for the tender were fixed for Monday, Tuesday, Wednesday, Thursday and Friday, and I am now authorised to state the fact of tenders coming in, and that a very considerable amount has been taken at the Government price. 600,000*l.* have been taken this morning in addition to the 500,000*l.* [Sir John Rae Reid: Nearer 700,000*l.*] This is satisfactory, as showing that the Government has not attempted any unfair, improper, or unreasonable terms in the contract, and I feel every reason for stating my opinion, that before this bill shall have passed through all its stages, the operation will be brought to a successful issue. There may be a difference of opinion as to the *bonus* which the various tenders may afford to the parties, and it is impossible to reason upon them with certainty, since uncertain data must be taken. The closing premium on Exchequer bills was 18*s.*, and there was to be set against that, the discount allowed on immediate payment. If, then, the amount of the *bonus* of 12*s.* 3*d.* be set against the premium on Exchequer bills, I shall not be far from right, when I state that the *bonus* on the operation which I propose will be 15*s.* 9*d.*, or from 15*s.* to 16*s.* The offer of Messrs. Rothschild would have given a *bonus* of 1*l.* 11*s.* 9*d.*

or 10*d.*, and the offer of the Scotch Bank would have given a *bonus* of about 1*l.* 14*s.* That is the view I take of the matter. From these circumstances, coupled with the amount of subscription which has been opened only for one day, I feel every reasonable hope that at the Government price of 110*l.*, the operation will be carried into effect. If that be the case, I feel that I am fully justified in the course that I have taken, of inviting public competition. I confess, that notwithstanding the great authorities which I had in my favour, I entertained some distrust. I felt that by departing from the accustomed course, I was involving myself in some responsibility; but I felt also, that if I could safely give to the public the fullest amount of competition, I was bound to take that course; and I am gratified if I have succeeded. The resolutions which I shall propose are three. The first embraces the realization of the contract with the bank. That has been entered into, and on terms more reasonable than the Government felt justified in imposing on the contractors. The second resolution provides with respect to all parties who were under terms or engagements to deliver up Exchequer bills, on or before Friday, to be cancelled at the Government price of 110*l.*, that they shall receive three per cent. consols. To the third resolution, I will direct the particular attention of the House. In order to make it intelligible I must assume some sums which are purely hypothetical, and which I hope will turn out to be non-existent. Already we have contracted with the Bank for 500,000*l.*; I exclude for the moment the subscription entered into this day, and assume that the further sum of 2,500,000*l.* will be subscribed before Friday, that will account for three millions of Exchequer bills; there will remain one million, which I suppose I shall not get. I propose, therefore, a resolution to the effect that clauses of this bill shall state that all parties, who subsequently to the passing of this bill shall deliver the amount of Exchequer bills for which, after the payment of the 500,000*l.* and the 2,500,000*l.*, I assume there will be a deficiency of one million, shall receive three per cent. consols, calculating the stock at the average price of the quarter immediately preceding the transaction. This is engrafting on this bill, as to this supposed deficiency loan, the principle incorporated in the Irish Bank Charter Bill. I have now endeavoured to explain my proposal. I have been long, but I have pre-

ferred being tedious rather than leave anything unexplained or not being clear. I may before sitting down, be allowed to anticipate a possible objection which may be raised against my plan: I may be asked "Why do you fund in the three per cents. and not in any stock of higher amount?" I will tell the House why I take this course. In the first place, to make my reasoning intelligible, we must discriminate between the interest of money on a temporary loan, and the interest of money on a public security. If I take the temporary interest of money as general, undoubtedly the proposed loan ought not to have been in the three per cents., but in a higher amount of stock. If the interest were higher on permanent than on passing securities, I ought to have funded in a higher priced stock, and have taken the chance of any subsequent reduction. But the argument is different if I find by the price of the public securities that the permanent rate of interest on money so invested is lower. I believe that I shall be able to effect the present funding in stock at a price not much exceeding 3*l.* 6*s.* per cent. It is a sufficient answer to such a complaint that I have been enabled to effect my operation at such a reasonable charge. Such an operation, so easily effected, ought not to create in the mind of any person any distrust of the resources of the country. In the first place, we are within a year of the commencement of that reduction of a series of annuities which year by year we may expect. I will not go to the halcyon and to the golden days of 1860: it is not probable that those who are advanced in life will see the expectations realised, of the country being then relieved from a considerable danger and evil; but a considerable amount of reduction will take place in the public debt by the falling in of about four millions of what are now terminable annuities. Undoubtedly I did consider, in proposing my plan, whether it were possible to effect it by long annuities in preference to a perpetual charge, and I wish to tell the House one of the facts which led me to give up my first opinion. My noble Friend, Lord Spencer, when he was Chancellor of the Exchequer, undoubtedly felt strongly the benefit which would accrue to the country, by converting perpetual into terminable annuities; my noble Friend proposed the conversion of permanent annuities into terminable annuities of 100 years. Now hon. Gentlemen know very well that the difference of the money value between the two

classes is very small; but the House will scarcely believe, when I tell it, how the public, which has the power of making this conversion, has exercised that power? I believe that there has been only one single annuity, and that annuity of 20*l.*, of 100 years' duration, taken by any individual under Lord Spencer's Act. That single individual purchased a hundred years' annuity to meet a hundred years' rent-charge. If, then, such be the result of the experiment made by Lord Spencer, should I not have been over sanguine if I had expected that I could have obtained terms very favourable to the public if I had adopted such a plan? I should, Sir, wish to call the attention of the House to the observation of a person of high authority upon this question. It is, Sir, the observation of Mr. Adam Smith, who was favourable to terminable annuities, and who has stated strongly the evils of funding in permanent annuities. He says—

“An annuity for ninety-eight or ninety-nine years is worth nearly as much money as a perpetuity, and should therefore, one might think, be a fund for borrowing nearly as much. But those who, in order to make family settlements, and to provide for remote futurity, buy into the public stocks, would not care to purchase into one, of which the value was continually diminishing—and such people make a very considerable proportion both of the proprietors and purchasers of stock. An annuity for a long term of years, therefore, though its intrinsic value may be very nearly the same with that of a perpetual annuity, will not find nearly the same number of purchasers.”

That is actually the fact, and even if annuities are of the same value, there are many reasons why persons will not take them. But then it may be said, “although annuities may not answer, why do you not take stock of a higher amount?” If I had taken a new stock specifically for this loan, if I had created a stock of six or seven per cent., hon. Gentlemen must be aware that such peculiar stock would not find favour in the market; the stock that is preferred is that of the largest description, which is easiest of sale. Observe the South Sea Stock and other securities; is not the South Sea Stock the same security as the other? But because it is of smaller amount, although practically it is equally valuable, it bears a different price—it is of less value, and possesses disadvantages in the market. There is another test, and that a practical one. I will compare the prices of the 3½ per cents., and of the 3 per cents for the purpose of argument. Now,

the difference in the price ought to be exactly the difference of the value of an annuity of 10*s.* per cent., subject to the possibility of the reduction of that annuity. We have the Long Annuities terminable in themselves in twenty-one years. Now, if we compare these Long Annuities absolutely terminable in twenty-one years with the annuity of 10*s.*, the supposed difference between the 3½ per cents and the Consols, we shall have the measure of the expectation of the public of the reduction of the 3½ per cents, and if the price of the 3½ per cents. be greater than the annuity, then the contingency is not worth the purchase of twenty-one years; and a higher interest will be payable on the Long Annuities, which will not be terminated for twenty-one years, than the difference of the price between the 3 per cents. and the 3½ per cents. Does not this afford evidence—is it not a demonstration of the opinion of those who deal in the money market? Having now endeavoured to explain the course I have taken, having endeavoured to explain the proceedings in reference to the loan, having explained as clearly and as distinctly as I could, the pecuniary results which I anticipate, I have only to thank the House for the patient hearing it has afforded to me on a very dry and uninteresting subject, which I have endeavoured to make clear, thinking that I should thus best consult my duty both with respect to the Bank, and to the time of the House. The right hon. Gentleman concluded by moving the first of the following resolutions which was agreed to. On the second resolution.

“1. That the several persons who have engaged to subscribe the sum of 500,000*l.* in Exchequer Bills dated in March and June 1839, and charged on aids or supplies, and to make deposits of 20*l.* per centum on the amount of their respective subscriptions at the Bank of England on the 20th day of August 1839, shall be entitled upon the completion of their subscriptions for every 100*l.* so subscribed in Exchequer Bills, to 109*l.* 5*s.* 10*d.* Capital Stock in Consolidated Annuities, bearing interest at the rate of 3*l.* per centum per annum, the said interest to commence from the 5th day of July 1839, and to be payable by half yearly dividends on the 5th day of January, and the 5th day of July in every year.

“That the several subscribers shall complete their respective subscriptions at the Bank of England by instalments, in the proportions and at the times undermentioned; that is to say,

“20*l.* per centum on or before the 27th day of September.

“20*l.* per centum on or before the 8th day of November.

"20*l.* per centum on or before the 20th day of December.

"20*l.* per centum on or before the 31st day of January 1840.

"That interest shall be allowed upon all Exchequer Bills deposited in payment of each instalment, up to the date of such instalment.

"That subscribers shall be at liberty to pay the said instalments in advance, and shall, in such case, be entitled to interest thereupon, for the first instalment from the date of the bill up to the 16th day of August instant, and upon the amount of the bills for each subsequent instalment from the date of the bills up to the day of instalment would have become due.

"That all the Exchequer Bills so to be deposited with the Governor and Company of the Bank of England, shall be delivered over to the Paymasters of Exchequer Bills to be cancelled.

"2. That every person or persons who shall on or before the 23d day of August next, subscribe Exchequer Bills to an amount not exceeding in the whole 3,500,000*l.* of Exchequer Bills dated in March and June 1839, and charged on aids or supplies, shall be entitled upon the completion of their respective subscriptions, in manner before provided, for every 100*l.* so subscribed in Exchequer Bills, to 110*l.* Capital Stock in Consolidated Annuities, bearing interest at the rate of 3*l.* per centum per annum upon the terms and conditions before mentioned,

"3. That every person or persons who shall, after the 23rd day of August next, deliver in Exchequer Bills to be cancelled in sums of not less than 1,000*l.*, to an amount not exceeding in the whole a sum which together with the Exchequer Bills subscribed in manner before provided, shall not exceed 4,000,000*l.* of Exchequer Bills dated in March and June 1839, and charged on aids or supplies, shall be entitled for every 100*l.* so delivered in to such an amount of Capital Stock in Consolidated Annuities, bearing interest at the rate of 3*l.* per centum per annum, as every 100*l.* of the said Exchequer Bills would have purchased if the same had been applied in the purchase of Consolidated Annuities, estimating the same at the quarterly average price thereof, for the quarter ending the 5th day of January, 5th day of April, 5th day of July, or 10th day of October, as the case may be, immediately preceding the delivering in of such Exchequer Bills, such average price to be ascertained according to the daily returns thereof made up pursuant to law at the Bank of England,"

Mr. *Hume* said, in reference to the remarks of the right hon. Gentleman, as to the offer of competition, he was satisfied that the course which had been adopted was the best, both as regarded the public, and the holders of Exchequer bills. Although it was true that, in the last transaction, the public mind, with regard to

Exchequer bills, was different from what it was now, yet he must think that, in the last transaction, the public had an unfair bargain. The only observation which he had to make, was on a point to which the right hon. Gentleman had alluded—the denomination of stock. He had hoped, that they would never again borrow in a stock of small amount. Looking at the reduction in the rate of interest on the higher stock, he thought that, with peace, and with the country well governed, it ought to be in a position to make such a reduction. He was not able to say, whether the statement as to the difference between the value of the terminable annuities and the 3½ per cents. was correct, or whether it justified the right hon. Gentleman's conclusions; but he had been of opinion, up to the time of a late transaction, when fifteen millions were borrowed, and he was still of the same opinion, that the highest denomination of stock was always the stock in which loans should be made; for the country ought to have the advantage of the reduction of the rate of interest, when such an operation should become practicable. Already, he had seen 3,500,000*l.* saved by the reduction of the interest on the debt. Therefore, he had hoped that an attempt would have been made some time since, to borrow at 3½ per cent., but he admitted, that to do that at the present moment would not be prudent. Then he blamed the Chancellor of the Exchequer for not having made this loan before. He had repeatedly asked, months ago, whether such an operation was intended; he had not done so from any fear as to the credit of the country; in that he had the fullest confidence; but when he saw the Bank allowing the constant drain of bullion, he was sure that they would be driven to what had now taken place. He was sorry that the Bank had given any ground for complaint, but the blame was partly with the Bank, and partly with the Chancellor of the Exchequer, because if the Chancellor of the Exchequer had acquiesced in the inquiry which he urged last year, he was confident that he would have been able to prove the errors on which the Bank had acted on former occasions, and, by pointing out the evils which had existed, he would have been able to prevent their recurrence. The country had materially suffered by what took place in 1837. So long as any body of men were able to assist themselves, regardless of the interests of

all others, the country would always be liable to this. Seeing, however, the situation to which the Chancellor of the Exchequer was now driven, he was not aware that he could have done better than to make the offer for tenders as he had done, although he thought, that the right hon. Gentleman was to blame, for not bringing the subject before the House prior to the budget, and the statement of the pecuniary affairs of the country. The right hon. Gentleman ought, long before this, to have taken steps to reduce the amount of the unfunded debt; at the beginning of 1837, he saw the state to which the Exchequer bill market was reduced, and when he discovered, on the introduction of his budget, that an additional million was required, he ought to have been prepared to fund, Exchequer bills, and he was wrong not to have done so. He was sorry that the Bank of England was not in a condition to take the whole of the loan; he had expected that they would have taken it, seeing the buoyant state of the 3 per cents. the week before. He hoped, that the present proceedings would make the Bank more circumspect, and that they would not again be obliged to have recourse for assistance to a foreign country; and he trusted, that the Government would turn its attention to the possibility of obtaining loans in stock of a higher amount.

Sir J. R. Reid was quite satisfied that the conduct pursued by the Bank on this occasion would meet with general approbation, perhaps with the approbation of every man in that House except the hon. Member for Kilkenny. He had no hesitation in declaring that he thought their conduct had been most liberal. With respect to a point adverted to by the Chancellor of the Exchequer, he availed himself of this opportunity of stating distinctly what had been already said by the right hon. Gentleman, that no communication whatever, private or otherwise, had passed between that right hon. Gentleman and any members of the Bank of England. The decision of the Bank had been come to without any communication with the right hon. Gentleman. He wished this to be clearly understood, as he would take the present opportunity of reading a few words from a very influential journal that was in the habit almost every day of running down the conduct of the Bank. The article he alluded to appeared in *The Times* a day or two ago.

It commenced by some of the usual abuse, to which he had now grown so accustomed, that he confessed he did not feel it in the way he had originally felt it. The Chancellor of the Exchequer, if he might be allowed so to say, was his brother in affliction; indeed, there were not two men in the country who had worked harder, or had received a greater quantity of abuse in return, than the right hon. Gentleman and himself. The individual who wrote the paragraph he did not pretend to know, but the words were as follow:—

“The part taken by the Governor and Deputy Governor of the Bank of England during the meeting at the Treasury, has not escaped notice and animadversion in the city. They made an offer on the part of that corporation, towards which they stand in the character of trustees as well as managers, which was altogether an improvident one with regard to the state of the market at the time when the offer was made, and may take their choice of being supposed negligent of, or incompetent to, that trust, or of acting in subservience to a Ministry whose good will they imagine it essential to cultivate, with a view to the renewal of the charter. They even went, in their zeal, beyond what was necessary for that time-serving spirit.”

He totally denied, that he had ever been subservient to any Government, more particularly to a Government like the present. He declared most solemnly, and he did it before that House and before the country, that upon no occasion whatever, had the Bank directors been subservient to the right hon. Gentleman; and he threw back this imputation with all the scorn in his power. (The hon. Baronet threw the paper from which he read on the floor.) When he was accused of improper motives by a paper of such great influence, he should not have done his duty if he had submitted tamely to the imputation. As long as he retained his present situation, he would endeavour faithfully and honestly to discharge his duty as Governor of the Bank without fear, favour, or affection. His anxious wish always had been, and would be so long as he had the honour of filling that post, to promote by all means in his power the prosperity of the country, and the prosperity of the Bank, which he knew to be interwoven with each other. With respect to the present operation which the Chancellor of the Exchequer was conducting, he had no hesitation in declaring it to be his opinion, when he

looked to the sum already subscribed, the state of the money-market and foreign exchanges, and the improvement of trade, that the Chancellor of the Exchequer would obtain the money he required on the terms he had proposed.

Mr. *Herries* expressed his regret that the Chancellor of the Exchequer had not brought forward this very important subject at an earlier period of the Session, when a greater number of Members would have been present, and the subject might have been discussed with more effect. He did not think, that the reasons assigned by the right hon. Gentleman for not reducing the unfunded debt at an earlier period of the Session were satisfactory. He had no objection to the terms declared by the Chancellor of the Exchequer on this occasion, nor to the mode of competition he had adopted. He regretted most sincerely, that the Chancellor of the Exchequer had not met with more success, but hoped that the termination of the experiment would be more favourable. He thought the right hon. Gentleman should have told the House something of the means by which he proposed to meet this addition to the permanent debt of the country. It was true, that there was on the Table an account, by which it appeared that the Chancellor of the Exchequer, from the calculations then made, estimated a surplus of 139,000*l*. But it ought to be observed, that this estimate, which bore date the 9th of August, was precisely the same as that made by the right hon. Gentleman in his financial statement of the 5th of July. Between these dates, however, an actual expenditure had been incurred, to the amount, in all, of 85,000*l*., so that a deduction to that extent ought to have been made from the estimated surplus of 139,000*l*., and without such deduction the paper was merely delusive. From what he had stated, he thought it was perfectly clear, that the House and the public were entitled to some information of the provision to be made for meeting this addition to the national debt. On a full view of the question, looking at the present state of the revenue, at the possible deficiency from the alteration of the rates of postage, and at the actual deficiency at present existing, he must say, he thought it was very strange, that the right hon. Gentleman had not acquainted the House with his views as to how these deficiencies

were to be made good; and he could not help warning the House to look well to the consequences of the course they were about to pursue—to consider deeply the vast importance of the subject, and the dangers to which the country might be exposed, if, superadded to the embarrassments arising from the disturbed state of the labouring population, they should have also to contend with financial distress.

The *Chancellor of the Exchequer* said, that when the hon. Member for Kilkenny intimated that with the present prices of the funds, they might have funded Exchequer-bills more advantageously than was proposed, he had not adverted to the prices of Exchequer-bills; but now he had an advantage by the depreciation of Exchequer-bills, which he should not have had when they were at 60*s*. and 70*s*. The right hon. Gentleman (Mr. *Herries*) had called a paper on the table a delusive paper; but what were the facts? That paper was moved for in another place by a noble Lord in opposition to Government, immediately after his statement of the finances, for the purpose of bringing that statement regularly before the other House. In course of a discussion in the House, the hon. Member for Bridport had made use of this paper, and afterwards moved that it be laid on the Table. This was accordingly done, not obviously at the instance of Government, or of any Member connected with Government, and therefore the paper could not have been intended to mystify or delude, as was assumed by the right hon. Gentleman. With respect to the question of provision for the increase of debt, he begged to assure the House, that it had not been forgotten; and if this morning he had been enabled to have made more progress with the Bank of Ireland Bill, he should have been in circumstances to have given a better answer; for that bill, if it passed into a law, would effect a saving of 20,000*l*. or 30,000*l*. per annum on the interest of the debt due from the public to the Bank of Ireland—a sum which would have gone some way towards the provision which the right hon. Gentleman referred to.

Sir *T. Fremantle* however unwillingly, felt it his duty to express his deep regret, that a subject of such immense importance should have been brought forward so late in the Session. He regretted that the right hon. Gentleman had not been suc-

cessful in carrying his object into effect; for after operating during four days, an order to fund 4,000,000*l.* of Exchequer-bills, they heard that he had only contracted for 500,000*l.* He understood that to-day in the city, persons were willing to subscribe 700,000*l.* of Exchequer-bills. Whether the right hon. Gentleman would get the amount of Exchequer-bills funded or not, seemed to him to be highly problematical. The right hon. Gentleman expressed great confidence that he would get the amount; but it appeared that for this miserable sum of 4,000,000*l.* of Exchequer-bills, the Chancellor of the Exchequer was obliged to resort to three expedients to get it. He first made a bargain with the Bank of England, and a very good bargain he (Sir T. Fremantle) had no doubt it was; he then made another bargain with other parties, and then wished to make a bargain with parties willing to take stock. If the proposed plan should fail between now and next Friday, the right hon. Gentleman would be reduced to the necessity of funding Exchequer-bills at the average price of stock. The right hon. Gentleman had taken a higher responsibility on himself in his proposal last Friday. If he had been successful, he would have received great praise from them all; but that was not the case. He thought the right hon. Gentleman's plan better in principle than in practice, and that the old plan was not so objectionable in practice. The right hon. Gentleman having practised on one principle, was obliged to adopt another—the old principle of naming his terms. It had been stated that the public credit of this country stood as high as ever: he believed that; but he thought this statement ought not to be made public without some warning, that if they were to go on for some years longer as at present, public credit could not be sustained. The paper put in showed a deficiency in one year's income of 1,800,000*l.* Hon. Members seemed to treat this statement with great indifference: whether they were prepared to support the Chancellor of the Exchequer in laying on taxes, he knew not, but it would be extremely difficult to find proper subjects for taxation. A tax on property was the only one available for producing a large amount of income, and that ought only to be used in time of war. If another year was allowed to pass over with an acknowledged deficiency, without any steps being taken to

meet that, the difficulty would be very great.

Mr. *Finch* thought, it was impolitic to fund Exchequer-bills in perpetual annuities. The difference between a perpetual annuity, and an annuity for ninety-nine years was so small, that it would not amount in its marketable value to more than one-half per cent. He did think, that adding to our national debt as they were year after year, there must come an end of this course of proceeding. It was for hon. Members to say whether such a system ought to be proceeded in. Had a contrary system been adopted, of granting annuities for shorter periods, they would have seen the termination of annuities every eight or ten years, and they would not fix generation after generation with the burdens which we now had to bear.

Resolutions agreed to, and ordered to be reported.

House resumed.

THE BUDE LIGHT.] Sir *F. Trench* moved the following Resolution:—

"That it is the opinion of this House, that the expenses of the experiments made under the direction of the Bude-light committee, ought to be paid by the Treasury, and that Mr. Gurney should receive such remuneration as the Lords of the Treasury may deem an adequate compensation for the devotion of his time and talents to the service of this House; and that it is unbecoming the dignity of Parliament, that his remuneration should be dependent on the success or failure of experiments made by order of a committee of this House."

The *Speaker* informed the hon. Baronet that his resolution was informal. The subject could not be gone into without a previous message from the Crown.

Mr. *Hume* would take the opportunity of denying, that the committee had objected to Mr. Gurney's experiment being paid for by the public. On the contrary, the committee had provided for the payment of every farthing. While on the subject, he would observe, that a man more single-minded, or more anxious for the advancement of science, than Mr. Gurney, did not exist. The hon. Member read several testimonials in favour of the Bude-light, from the evidence given before the committee.

Sir *F. Trench* withdrew his resolution.

The House then adjourned.

HOUSE OF LORDS,

Tuesday, August 20, 1839.

MINUTES.] Bills. Read a first time:—Administration of Justice (Parts of Counties); Exchequer Bills; Consolidated Fund.—Read a second time:—Corporate Property (Ireland).—Read a third time:—Poor-Rates Collection. Petitions presented. By the Duke of Richmond, from the Medical Society of Ireland, for Medical Reform. [A Conference was held with the Commons on the subject of Assaults (Ireland) Bill, when the Commons stated their reasons for disagreeing to the Lords' Amendments on the Bill.]

SUPPLY OF WATER TO THE METROPOLIS.] The Marquess of *Westminster* wished to draw the attention of their Lordships to a subject of very considerable importance—namely, the supply of the metropolis with pure and wholesome water. It would form a proper subject of inquiry, whether a supply of water in a pure state could not be procured from the river. At present the water which was drawn from that source was far from being pure. If that could not be effected, then other means ought to be resorted to, in order to secure a proper supply of that important necessary. For a considerable length of time a committee of the other House of Parliament had been sitting on this subject, and it was hoped that that committee would have made such a report as would have led to beneficial results. That, however, was not the case. He had taken considerable pains in investigating this subject, and when a bill was introduced connected with it, he had given it his best consideration. Unfortunately, however, the measures which had hitherto been adopted had not produced the desired effect. It would, therefore, be right that their Lordships' attention should be called to this important matter early in the next Session. Another point to which he was anxious to direct the attention of their Lordships was the frequent occurrence of accidents on railways. A very serious accident of this nature had recently occurred near Coventry. Steps should, he thought, be taken to prevent, as far as it was possible, the recurrence of such accidents in future. To attain this object, it would be advisable that the walls on embankments should be built of such height and thickness, and be so inclined, as to present an effectual barrier against carriages being precipitated over them. Another point to which he wished to direct their Lordships' attention, was one that had already been noticed by a right rev.

Prelate. He alluded to the state of the sewers in the city of London. The drainage in some parts was so defective, that it generated disease, and was calculated to deteriorate the health of the inhabitants. He should, therefore, give notice, that in the next Session of Parliament, he should move for a committee to inquire into the supply of water to the metropolis, for the purpose of devising means for securing a purer and more wholesome supply of that article; also to inquire into the causes of accidents on railways, for the purpose of proposing means for the more effectual security of passengers.

AFFAIRS OF THE EAST.] Lord *Brougham* begged to call the attention of his noble Friend at the head of the Government to the question, or rather questions, which were now pending in the East between the Sultan and Mehemet Ali. If the reported results of their hostilities were true, he could not help thinking that there had not been that cordial and vigorous attempt, which their Lordships were told would have been made to keep peace between them. The peace had been broken by the Porte, and not by Mehemet Ali; and how the Porte could have been advised to risk itself with Mehemet Ali in a manner so badly prepared for the fray, was perfectly incomprehensible. He wished to know, therefore, not only as to the truth of the reports, but also whether it were true, as he had learned, that a noble Friend of his at the Porte had taken less vigorous measures than ought to have been taken in attempts to prevent hostilities? It was an unaccountable notion, that the armies of the two powers had been in the reverse position of what was the fact. They had been told that the Turkish troops were in an excellent state of discipline, and that there was almost an absolute certainty of their defeating those of Mehemet Ali. He, therefore, begged to ask, whether it were true or not, that the Government had received accounts from our negotiators to the effect that everything would turn out to the advantage of the Turks, and to the discomfiture of the Egyptian army?—whether the accounts of the Turkish fleet having joined Mehemet Ali, and of the defeat of the Turks by the Egyptians, were correct?—whether, from the accounts received, his noble Friend were still of opinion, that every means had been used before the breaking out of those hostilities to

prevent them?—whether endeavours were now being made to prevent—as men would who really wished to prevent—the continuance of those hostilities?—what hopes were entertained of upholding the power of the Sultan?—and, finally, whether the information received as to the relative state of the armies had been such as to make the sudden beginning and termination to the campaign which had taken place, a matter of disappointment to the Government?

Viscount *Melbourne* said, it was impossible for him to deny that his expectations upon the subject had not been realized. As to the circumstances which had occasioned, or which of the parties had taken those measures which had led to hostilities, it was not for him to say; and, indeed, it appeared to him useless and unnecessary to inquire. The defeat alluded to by his noble and learned Friend, had undoubtedly taken place; but from accounts which the Government had received, the victory was not so complete as had been represented. It was also true, that the Turkish fleet had fled from Constantinople, and placed itself in the hands of the Pasha of Egypt. His noble and learned Friend had asked, what hopes were entertained of supporting and maintaining the power of the Sultan? His answer was, that the hopes they entertained of maintaining the power of the Sultan, and preserving the integrity of the Ottoman empire, which they considered a very great and valuable object, were mainly founded upon the complete co-operation and agreement of the five great Powers, and the determination of those Powers to act together, cordially and energetically, for that purpose. With respect to the conduct which had been pursued by those who represented her Majesty in that part of the globe, he begged leave to say, that there was no foundation whatever for any of those notions which had reached the ears of his noble and learned Friend. He begged also to state, that there had been on their part every, and the most sincere, exertion to prevent hostilities taking place; and that the Government had not received from them any representation as to the certainty or probability of a different result from that which had taken place.

The Duke of *Wellington* observed, that he was not surprised at the questions of his noble and learned Friend, for he himself had read one report of the engage-

ment—the most beautiful report he had ever in the course of his life read of any engagement—the only fault to be found with which was, that there was not a single word of it true.

Subject dropped.

MANCHESTER POLICE.] Upon the question that the House go into committee upon the Manchester Police Bill,

Lord *Brougham* said, that the opinion which he had given on the preceding evening with respect to the operation of the Municipal Corporation Act in repealing the local police Acts affecting Manchester was not at all weakened by the reflection which he had since bestowed upon the question. Nevertheless, as his noble and learned Friend upon the Wool-sack had arrived at a different conclusion, and as several learned Friends whom he had consulted, and who agreed with him in opinion, thought that the point was by no means free from doubt, as was indeed manifest from the disagreement of the views taken by his noble and learned Friend and himself, he withdrew all the opposition to the bill which he had founded upon his construction of the Municipal Corporation Act. He still entertained, with respect to this bill, the same objections as he had urged against the Birmingham Police Bill, but he should not trouble the House to divide upon the question.

Viscount *Duncannon* said, with reference to the objections made by the noble Duke opposite (the Duke of Wellington) on the preceding evening to this bill, the noble Duke could not have adverted to the circumstance, that a very considerable portion of Manchester, in which property of great value was situated, was not under the jurisdiction of the present commissioners of police. He had reason also to believe, that the noble Duke was mistaken as to the amount which could be raised under the powers of the present bill. It was true that this bill limited the powers of the commissioners to the levying of a rate of 8*d.* in the pound; but he was informed that that would produce a sum equal to 23,000*l.* a year. By the accounts which he had received, the assessment for the township of Manchester was stated to be 526,269*l.*; and for all the other townships 175,423*l.*; making the total assessment 701,692*l.*; and a rate of 8*d.* in the pound on that assessment would produce

23,389*l.* The account which he had received of the total expenditure for the purposes of police at present was 19,659*l.*; so that their Lordships would see that the present bill would afford largely increased means for the establishment of an efficient police. He was aware that in the township of Manchester there was the rate of 1*s.* 6*d.* in the pound mentioned by the noble Duke; but that rate was levied for lighting, paving, and other purposes, and the commissioners could only apply 8*d.* in the pound out of it to the purposes of watching. He thought that under these circumstances the objection of the noble Duke must be removed, that objection being, that they were about to give up the existing and more efficient police to supply its place by one which must be less efficient.

The Duke of *Wellington* said—My Lords, what I thought was, that it was desirable to preserve the existence in Manchester of a police force, which has been found up to the present time, under all circumstances, effectual in preserving the peace of that town; and I thought that I had proved very sufficiently that when the rates levied, and the resources of the police existing at present were compared with the resources created by the bill now under your Lordships' discussion, that those now existing are superior to those about to be established by the bill. I then reminded your Lordships, that under the Act of the 10th of George IV., which provides for the regulation of the police of Manchester, and the levying of rates in Manchester for the purposes of police during the period of the continuance of this Act, that under that Act as soon as this bill comes into operation and the police to be created under this bill is notified as being in action, from that moment forward all other descriptions of police established in Manchester, either the corporation police, to which the noble Viscount had just adverted, or any other police, are from that moment at an end. Now, my Lords, in the statement which I made to your Lordships, I limited the amount of money which I said could be collected from the rate to be levied under the bill now proposed. I limited that amount to 13,000*l.* The noble Viscount, however, calculates that a rate levied at 8*d.* in the pound will produce 23,000*l.*; and I shall be extremely happy to find that the noble Viscount is correct in that esti-

mate; but I still doubt whether this bill affords the means of raising so large a police as that which at present exists in Manchester. The commissioners of police under the local Acts are authorized to raise a rate of 1*s.* 6*d.* in the pound, which for all the purposes of the Act produces 34,000*l.* per annum; but of that sum the commissioners are only allowed to apply 14,000*l.* for the purposes of a day and night police; and that is more than would be applied under this bill; but, besides that, they have a sum of 4,000*l.* from the rates, making a total of 18,000*l.*; and, in addition to that, they have the power of raising a still further sum if they should think fit. Now, as soon as this bill has passed, all that will be at an end. However, considering the opinion which has been delivered on the subject of the operation of the Corporation Bill on this question; considering the opinion which has been delivered by the noble and learned Lord on the woolsack, who was so kind as to say that he would further consider this question during the interval between the discussion of yesterday and that which was to take place to-night; and considering, likewise, what has fallen from the noble and learned Lord opposite, feeling, also, a great disinclination to oppose myself—and to invite this House to oppose itself, to this bill under these circumstances, and to incur any risk in respect to the establishment of any police for Manchester, I am disposed, if it really is the opinion of the noble and learned Lord that such risk will be incurred in consequence of the present state of the law, I am disposed not to press those objections which I make to this bill, because, as I have already stated, I really wish to see the best possible means framed for giving the security of a police to this large and important town. Under these circumstances, my Lords, I shall withdraw my opposition to the bill.

The *Lord Chancellor* said, that since his attention had been called to this question, last night, he had again looked into the Corporations Act, and the consideration which he had been able to give to the subject had confirmed him in the opinion which he yesterday expressed; but unwilling that it should rest upon his single opinion, he had taken the opinions of the Attorney and Solicitor-general, and they entirely concurred with him.

The Bill went through the Committee.

BOLTON POLICE.] Upon the motion of Viscount Duncannon, for going into Committee on the Bolton Police Bill,

Lord Lyndhurst said, that he must beg their Lordships' attention to this bill. The circumstances connected with it were widely different from those connected with the Manchester Bill, and in order to point out the marked distinction between the two cases, he would state to their Lordships what the actual position of Bolton was with respect to police. Upon examining the circumstances, their Lordships would find, that the police in that town was of a different description; there were in the first place, two boroughreeves, two high constables, and a police consisting of seven persons, with powers to increase their numbers to any extent in case of any emergency; and further, in addition to them, a considerable number of perpetual constables, making altogether a force of about 60 persons. That part of the police of Bolton was entirely independent of the question regarding the validity of the charter. Its authority would not be affected if the charter were bad; and in that respect the case of Bolton differed from that of Manchester. At this moment, therefore, there was a police consisting of upwards of sixty persons, which might be increased on any emergency, and entirely independent of the Charter. In addition to that there was a police force raised under local acts for Great Bolton and Little Bolton; and that part of the case he admitted was similar to that of Manchester; but still further, in addition to that force, there was at present a force actively in operation of 1,000 special constables, who were raised under a bill brought in by the noble Viscount opposite, and sometimes known as Lord Melbourne's Bill. Now, that being the actual state of the police of Bolton, it became material to consider what was the alteration proposed to be made by the present bill; and the effect of that alteration was to extinguish the whole existing police of the town; for there was a distinct clause in the bill stating expressly that as soon as the police under this bill came into operation, the authority of all other descriptions of police was to cease and determine. The question, therefore, was between the existing police and that which was proposed to be established by this bill. It, therefore, became material to consider what was the amount of provision made by this bill for

the establishment of that police. It had been stated in the former discussion that no more than eightpence in the pound on the assessment was to be levied. Now, he had made inquiry into that matter, and he spoke upon the best authority, for he had obtained his information from the official persons acting in Bolton, and they told him, that the whole sum which could be raised by the eightpenny rate, was 3,200*l.* a-year: and, taking into consideration the salaries of the commissioner, inspector, superintendant, the collector, and the rent which it would be necessary to pay for the three police offices, there would only be left a sum of 1,560*l.*, for the purpose of maintaining the police of the town. The result was, that they could not raise a force consisting of more than thirty men, and it was proposed by the present bill that those thirty men should be substituted for the police force at present existing in Bolton, though that part only of the police which was under the boroughreeves, and independent of the corporation, amounted to a force of sixty men. But there was another objection to this bill: Bolton consisted of two townships—the township of Great Bolton, and a part of the township of Little Bolton. Now, it was provided by this Bill, that the commissioner should apply to the overseers of the poor, and that they should pay over as much as eight pence in the pound, from the rates which they levied, and that might easily be effected in Great Bolton, but only a part of Little Bolton was included within the borough; and he should like any noble Lord in that House, who looked at the clauses in the 10th George 4th, to say, how, under that clause the overseers of the poor, could pay or contribute any part of the rate raised for Little Bolton for the maintenance of the police of the town. He ventured to say, that it would be impossible to raise any part of that rate; and then the maximum of funds at the disposal of the commissioners would be reduced still lower. therefore, with a view to the actual state of Bolton, he must say, that, this bill and the whole proceeding was exceedingly ill-considered and unwise. He knew, however, that several persons had been very much struck by the late proceedings in Bolton, and had, in consequence, said, that some alteration was necessary for the purpose of insuring the peace and tranquillity of the town. He admitted, that

some alteration was necessary : but surely that alteration ought not to be so considerable a diminution of the police force. He begged to call their Lordships' attention to the history of those proceedings at Bolton, and it might be done in a few words. The mayor of the town had called out a force, which consisted of many persons who had been active Chartists, and consequently the people engaged in the riots had not supposed that the mayor and the police were really anxious to put down the disturbance ; and they had been confirmed in that impression by the fact, that when troops had been called into the town, and were prepared to act, the mayor forbade them from acting. Now this mayor of Bolton was one of several persons who had signed a requisition calling on the boroughreeves to call a public meeting for the purpose of considering the propriety of proceeding in procession to join a body of Chartists, who were to assemble at Kendal Green, in the neighbourhood of Manchester. The boroughreeves refused to call that meeting, and this gentleman then agreed with others to meet in the theatre, and, accordingly, about 1,500 persons did assemble in the theatre, and pass several resolutions of an inflammatory nature, and one of them was seconded by this gentleman, who now filled the situation of mayor of Bolton. He would read to their Lordships one of those resolutions. It was to this effect :

"That this meeting cordially approves of the People's Charter, framed by the General Convention of the Working Men's Association, embodying as it does, the principles of Universal Suffrage, Annual Parliaments, Vote by Ballot, a no-property qualification, and the payment of representatives."

That resolution was carried by acclamation ; and the result of the meeting was, that they proceeded in procession to join the Chartists at Kendal Green. Would their Lordships believe, that this gentleman, having, having been elected mayor of Bolton, had also been selected by her Majesty's Government for the important situation of a justice of the peace for the town of Bolton ? He had been selected for that situation and appointed after those proceedings had taken place. Could their Lordships be surprised that, when a person who had acted that part went out with a police force consisting of many persons of the same description, the people should suppose that

they were not in reality anxious to put down the rioting ; but that encouragement and protection would be afforded them ? He understood that the constables had been driven to the Town-hall, which was attacked by the mob ; that information was given to the mayor, who, with another magistrate, was at that time sitting at the police-office ; and that though he was told that the people would pull down the Town-hall, he treated the information with the greatest possible indifference, and made use of some such observation as that " they might do as they liked." Under these circumstances, and in that state, the town remained for three days, when at length some respectable inhabitants of the town applied to a county magistrate, Mr. Fletcher, and requested him to interfere. That gentleman came to the town, and, with the assistance of the boroughreeves and the constables acting under them, in less than an hour he restored tranquillity to the town, which was never after disturbed. Was it extraordinary then, under such circumstances, that one of the persons who had been apprehended for taking part in the riots, who had attended the meeting, and had addressed the meeting after the mayor, when he was apprehended and brought up before the bench of magistrates on which the mayor was sitting, was it extraordinary that he should have addressed them thus :—

" I well remember when the gentlemen who are now my judges came forward and stated that they were prepared to redeem their pledge to assist us in gaining universal suffrage. Then, I ask you, with what face you can commit us to prison after the bait which you yourselves held out to us ? and I tell you this, that though you may imprison, you cannot put down the rising spirit of the people—the agitation has originated with yourselves."

That was the history of the agitation and turbulence which had appeared in Bolton, and which the efforts of a county magistrate, assisted by the police under the boroughreeves, had alone succeeded in quelling ; and it was now proposed by this bill to put an end at once to that force, for the purpose of substituting in its place an inferior force. He could not conclude his observations on this subject without saying that the Ministers had placed themselves under the gravest responsibility for these occurrences by the appointment of such a person as the mayor of Bolton to the important office of

a justice of the peace. They themselves became liable to the charge of holding out encouragement and protection to the parties engaged in these disturbances. He left these matters to the consideration of the noble Viscount.

Viscount Melbourne said, that he did not think that the latter part of the noble and learned Lord's speech relating to the disturbances at Bolton, and to the conduct of the magistrates and the police there, was very favourable to the view which he had taken with regard to this bill. The question was, whether the police as it existed at present was sufficient for preserving the peace of the town. The noble and learned Lord said, that the present force was larger: that, in point of numbers, it consisted of sixty men, whereas the police proposed to be established would only amount to thirty; but the efficiency of a force did not depend on its numbers, and as to that he appealed to the noble Duke. It depended entirely on its composition. Thirty resolute, independent men, determined to do their duty, were worth one hundred or two hundred who were not decided, not determined—whose hearts were not with you, who were not prepared to do their duty. The statement, on which the bill was grounded, was, that the present police was entirely insufficient, and that it was absolutely necessary to provide a police for Bolton. Now, as to the latter part of the speech of the noble and learned Lord, in which he had referred to the state of the town and the conduct of the mayor, and the sort of persons whom he had sworn in as special constables, and the measures which he had taken, and the encouragement which he had afforded to the rioters, all this was an argument for the bill; it was a decided reason for passing the bill—which would establish in the town an independent police under an independent officer. In other respects the case was the same as that of Manchester. A charter had been granted, the charter was disputed, the rates could not be raised, and an efficient police force could not consequently be maintained; and they only sought to apply the same remedy in the case of Bolton which they had applied to Manchester.

Lord Lyndhurst said, that the noble Viscount had misrepresented what he had stated. He had said, that as long as the mayor was the party who attempted to establish peace in the town, his efforts

were wholly ineffectual. But the moment the county magistrate put himself at the head of the existing police force, he was completely successful in restoring peace in the town. The whole of the observations of the noble Viscount were, therefore, irrelevant.

Viscount Melbourne remarked, that if the mayor was not an individual to be trusted, surely this was a reason for appointing another officer to have the management of an independent force.

The Duke of Wellington said, that he had passed many years in transactions of this description, and was one of those who looked much to his experience of what had passed before. When, therefore, he saw that this police force at Bolton had conducted themselves most admirably—that they had exerted themselves in the most effective manner for the preservation of the peace at a most critical moment, and that very lately, at a period when the disturbers of the public peace at Bolton might have said to this individual, whom the Secretary of State had recommended to the situation of justice of the peace—to this mayor, appointed a justice of the peace by her Majesty's Secretary of State, the riotous Chartists of Bolton might have addressed themselves in the language used by the regicide at Paris to his judges—*"Sur le même poignard que vous, j'ai juré la mort aux tyrans."* While such a man, said the noble Duke, is appointed to administer justice in Bolton, it is not for us to consider whether 30 men, or 200 men, constituting a police force, are to be intrusted to his guidance. My Lords, we must put an end to this system of employing men as magistrates for the maintenance of the peace, who have been concerned in its violation. When we shall have taken this necessary step, we may then trust to the old constituted forms which exist in this country, and call on the people themselves to preserve the public peace, without having policemen under our noses to whatever quarter we turn. Every noble Lord who had considered this subject attentively, would see that the peace of Bolton would be preserved more effectually under the existing system than under that which was proposed by the bill. He would humbly recommend to his noble Friend opposite to postpone the consideration of this subject to a future day, in order that noble Lords might have an opportunity of applying their attention to the

principle which it involved. As long as such magistrates were appointed, and as long as these things were permitted to go on through the country with impunity, and men suffered to evade their duty, to take upon themselves offices which they would not faithfully fulfil, and encourage disturbances which it was their duty to put down, no matter what number of police they might choose to appoint, the peace could not be preserved.

The Duke of *Richmond* was not disposed to thwart the Government when it proposed such a bill as a measure of precaution, but like the noble Duke, he deprecated such appointments as those referred to, and expressed a hope, that Government would institute a satisfactory inquiry, and dismiss the individuals, if the charges were proved against them. Such an inquiry was due not only to Bolton, but to the whole country.

Viscount *Melbourne* said, that the noble and learned Lord had not alleged that the mayor of Bolton had not discharged his duty properly; but that, from his previous character, the public could not believe that he was in earnest when he exerted himself for the suppression of violence. He also stated that the mayor had sworn in Chartist special constables; but the question was, whether these men had not faithfully discharged their duty? The question was not, what these parties had done before, or what were their opinions, but whether they had discharged their duty faithfully as special constables.

Lord *Lyndhurst* thought it a pretty strong case, that the borough of Bolton was in a disturbed state for three days, under the control of the mayor; and that peace was immediately restored upon the intervention of the county magistrate.

Viscount *Melbourne* observed, that this was only an *ex parte* statement. He looked upon it as mere assertion.

Lord *Lyndhurst* said, that he was most desirous to see the suggestion of the noble Duke (*Richmond*) adopted, and the whole matter put in a proper train of inquiry. He would not take upon himself the responsibility of this measure—its responsibility must rest on her Majesty's Ministers. He would only repeat the point to which he had already called the attention of the noble Viscount opposite—viz., as to the power to levy a rate under this bill, except only in Great Bolton. If the noble Viscount would advert to the Act of the 10th

of George 4th, he would find it impossible to levy the rate in Little Bolton, which formed more than one half of the borough.

The *Lord Chancellor* said, if the rate could not be levied, it would be because some local Act intervened, and, therefore, the case of Bolton was the same as that of Manchester. There was, however, this difference, that at Bolton constables had not actually been appointed; but by the 76th section of the Municipal Act, the watch committee was bound within three weeks to appoint constables, and by the 86th section, as soon as they were appointed all the provisions of the local Act would cease.

Lord *Lyndhurst* observed, that there was no local Act in Bolton. The constables were appointed at common law at a court leet, and they, when so appointed, were bound to do duty under the authority of the boroughreeve. He admitted, that if there were local Acts applicable to Great and Little Bolton, the case would be similar to that of Manchester.

The *Lord Chancellor*: Then there is no fund for paying them. Would you leave the town to the unpaid services of such constables?

Lord *Lyndhurst*: They have formed an efficient police in all times hitherto, and why they should not be continued I cannot understand.

Viscount *Duncannon* said, that with regard to the question put to him by the noble and learned Lord (*Lyndhurst*), as to whether Little Bolton was not included in this bill, he (*Viscount Duncannon*) was not quite sure whether the observations of the noble and learned Lord might not be correct. He hoped, however, to be allowed to take the bill through this stage, and to consider the point before the next proceeding with it.

Lord *Lyndhurst* said, that if the rate could only be levied in Great Bolton, a fund of not more than 3,000*l.* per annum would be raised, and this would be wholly insufficient. He was surprised that those who framed the bill had not looked to this; however, it was not for him to amend it.

Viscount *Duncannon*, under the circumstances, would postpone the bill.

Committee postponed.

COUNTY AND DISTRICTS CONSTABLES.] Viscount *Duncannon* moved the committal of the County and Districts Constables Bill.

Earl Stanhope said, that this bill was of great importance to all classes in the community, and especially deserved the serious attention of the House, particularly in the present times. The first clause of the bill empowered magistrates, if it should appear to them, that the ordinary officers were not sufficient for the preservation of the peace in case of tumult, to appoint one additional constable for every 1,000 persons. This was a ludicrous, absurd, and nugatory proposition; but nugatory and useless as this bill was for any practical purposes, he should object to it less, if the measure was of a constitutional character. It would be found, that this bill gave the rule and control over these constables to the Government, or, in other words, to the Secretary of State, who was to have power, from time to time, to amend the rules and regulations, and to add to the force. Those rules and regulations were to be binding upon all persons concerned. Chief constables were to be appointed, subject only to the approbation of the Secretary of State. The chief constable was to have the appointment of all the other constables under his orders, without any such recommendation as was contained in the Act of the second year of his late Majesty, whereby it was required, that the constables should be persons who resided in the "the township, or in the neighbourhood thereof;" so that there was nothing in this bill to prevent the chief constables employing persons even from Ireland for this purpose. Although the force was to be paid out of the county rates, it was not to be under the control or direction of the magistracy, or even of the Lord-lieutenant, but under that of the chief constable, who was made a Government officer, and as such, the 8th section took from him the right to vote on the election of Members of Parliament. By the 19th clause it was provided, that all the powers and duties of the actually existing constables should cease and determine. And it would on the whole be found, that this measure was a stepping-stone to an organized centralized police force throughout the whole of the country. He would impute motives and intentions to no man—those who framed the bill best knew the objects for which it was designed—but this much he would say, that if the real object of the framers was to establish throughout the country organized spies, the bill was well calculated to obtain that end. Spies there

would be of a most convenient character, because they would be paid by the several counties, and would not require any additional vote of money from the country. The bill, in itself most obnoxious, had been brought in at a period of the Session when it could not meet with due consideration. He was aware of the dangers which impended over this country, and which threatened the destruction of all her institutions. To these dangers, and the causes from which they arose, he had already, on a former occasion, called their Lordships' attention; and, if the Legislature would restore that which was his most anxious wish and prayer—namely, the peace, prosperity, and security of this country, it must act on the advice given by one of the greatest men this nation ever saw—Lord Bacon—whose maxims he had lately quoted, and in which he said truly, "that in order to allay sedition, you must expel the matter of sedition." Let grievances continue, and pass what police bills they might think fit, for Manchester, Birmingham, or Bolton; let them appoint constables, not 1 to 1,000, but 1 to 10, and still, if they persevered in the present system, they would only spread those principles which he deprecated—the principles of Chartism—and then it required no prophet to foretell, that, with distress added to dissatisfaction, those principles would be destructive of all the institutions of the country, and even of the monarchy itself. On these grounds he should oppose the motion for going into a committee on the bill.

Viscount Melbourne admitted, that this bill was one of very great importance, and admitted, also, that it had been brought forward at a very late period of the Session; but he trusted that, considering its object, their Lordships would think themselves justified in taking it into consideration, with a view to passing it into a law. It was for their Lordships to say, whether it would be prudent or safe to permit the country to remain without some measure for the maintenance of the public peace. The object of the bill was to enable justices in every county to take measures for the establishment of a more efficient body of constables than at present exists. The justices, when convinced that the present constables were not sufficient to preserve the public tranquillity, were empowered by this bill, to represent to the Secretary of State, what number of constables would

be necessary for that purpose, according to the particular circumstances of the county or district, and upon that the Secretary of State was authorized to appoint that number of constables, to frame rules and regulations, and the justices, with the approval of the Secretary of State, appointed the chief constable. It had been stated in former Sessions, and it was now pretty clear to their Lordships—nay, it was manifest, from the state of the whole country, that the present force of constables was insufficient even to carry into effect the ordinary law in ordinary times, and still less to maintain the peace in times of trouble and excitement, and therefore some measure, like the present, was required to invigorate that force, and to make it efficient for the great purposes for which it was intended. It was on these grounds that the bill had been brought in, and, notwithstanding the late period of the Session which had arrived, he could not help earnestly pressing their Lordships to take it into consideration, with a view to frame it in such a shape, as they might think necessary to fit it to pass into a law.

Motion agreed to (Earl Stanhope dissentient).

The bill went through Committee, and, with amendments, was ordered to be reported.

The following Protest was entered against the Bill.

DISSENTIENT—

“Because the public peace ought to be preserved upon established and constitutional principles, and would derive no additional security from the proposed measure, which appears to be unconstitutional in its nature, and which might, in its operation, produce much vexatious and improper interference with the conduct of individuals, and, thereby, much oppression and injustice.

STANHOPE.”

BASTARDY.] House in Committee on the Bastardy Bill.

On clause 1,

The Duke of Richmond said, he very much doubted the expediency of passing such a bill as this at all, when he knew that the Poor-law Amendment Act was to be taken into consideration next year. He thought some of its clauses would operate in a very mischievous and oppressive manner. Under the law, as it now stood, very few orders of affiliation were made, except against persons having money, be-

cause overseers and guardians of the poor did not think it worth while to proceed against labourers receiving not more than 12s. or 14s. per week. But, by this bill, orders of affiliation were to be enforced against every man liable to such a process since the passing of the Act, for the expenses of the maintenance of his illegitimate child. Now, if they wanted to alter the law, let them not give power to magistrates to order a labourer to pay for the maintenance of his illegitimate child, born, perhaps, six months before, because that would drive them back to one of the old evils which the new law had been introduced to remove—forced marriages. If a poor labouring man were called upon to pay 2s. or 2s. 6d. a-week for some months of arrears, it was clear that, rather than go to gaol, he would marry, and thus all the evils of forced marriages would return, the want of contentment at home, the inducement to go to the beer-shop, and the neglect and misery of both wife and children. Then, as to giving up all the powers, now vested in quarter sessions, to petty sessions in these cases, he would observe that some plan must be settled by which to compel the attendance of witnesses, for at present there was no clause of that kind in the bill. The noble Duke proposed amendments to the effect stated in his observations, which were agreed to.

Clauses were agreed to.

House resumed.

Report to be received.

HOUSE OF COMMONS,

Tuesday, August 20, 1839.

MINUTES.] Bills. Read a first time:—Exchequer Bills Founding; Bank of Ireland Act Continuance.—Read a third time:—Exchequer Bills; Consolidated Fund (Appropriation).

Petitions presented. By Mr. French, from the Medical Association of Ireland, for Medical Reform.—By Mr. Hume, from Kilkenny, and other places, against the Bank of Ireland Charter Continuance Bill.

SLAVE-TRADE — PORTUGAL.] The Chancellor of the Exchequer took that opportunity of stating, that, in consequence of the early hour at which the House rose last night, they had not yet on their Table a bill which, he understood, had passed the Lords, with amendments. It was, nevertheless, of the greatest possible importance to the public service that the bill in question—he meant the Slave-trade Suppression Bill—should pass with

as little delay as possible. There was every reason to believe it would be on the Table of the House by their usual time of meeting, five o'clock; he begged, therefore, to give notice that he should, at that hour, propose to agree to the amendments.

Mr. O'Connell would take the same opportunity to call the attention of the House and the public to a fact which he had seen stated in the newspapers this morning—he meant the conspiracy elsewhere distinctly stated to exist between the Portuguese Slave-traders to make such arrangements, by having a pipe of poisoned wine on the deck, and also by poisoning the water on board, as should cause the death of the British crews who chanced, on capturing a vessel, to partake of the one or the other. It was impossible sufficiently to express indignation at such diabolical atrocity. But he apprehended that the Government, having received information to that effect, were bound, not only to inform the public of the discovery, but to apply to the Court of Portugal to prosecute those who were guilty of so infamous a conspiracy. It was impossible any country could be so barbaric in its code as not to have some means of prosecuting the miscreants who could be guilty of such a crime. He was sure he expressed the sentiments of the whole country, when he confidently anticipated that the Government would call upon Portugal to put the facts in a train of investigation, and adopt the most prompt and decisive measures for bringing to punishment those who were guilty of so horrible a conspiracy.

Notice given, and amendments to be considered at a later period.

METROPOLITAN POLICE COURTS.]

The Order of the Day for considering the Lords' amendments to the Metropolitan Police Courts Bill having been again read,

Mr. Aglionby wished the hon. and learned Gentleman, the Solicitor-general, or the hon. Member for Lambeth, to explain what those amendments were. They had not been printed, and his only knowledge of them was obtained from the newspapers of the day.

The *Solicitor-General*: The amendments might be stated under two heads: the first referred to the third clause of the bill, giving the magistrates retiring salaries,

which the House of Lords had struck out; the other, which was the most important alteration, referred to the 26th clause, which had given rise to so much discussion, and which the House of Lords had also struck out. The hon. Member was aware, that that clause had been framed in conformity with the suggestions of a select committee of the House of Commons, and that it gave the magistrates, in cases of petty felony, a power of summary jurisdiction and conviction, without the intervention of a jury. Although he did not approve of those amendments, and considered the bill much better in the shape in which it passed that House, yet it was requisite to accept it, in order to preserve the power of the metropolitan police magistrates; and he, therefore, moved, that the Lords' amendments be agreed to.

Mr. Hawes said, that, in consequence of the call made upon him by the hon. Member for Cocker mouth, he hoped the House would indulge him with a few minutes of their time, in order to call the attention, as well of the House as of the public, to the alterations introduced by the House of Lords. As the Solicitor-general had stated, there were two principal alterations, and but two, and both he regretted. The first alteration of the Lords was, the striking out the third clause of the bill, by which the Secretary of State was empowered to supersede, upon a fixed superannuation, certain police magistrates who, from age or other circumstances, were indisposed to continue on the bench, when far more extensive and important duties were imposed upon them. The bill, as it originally stood, comprehended, not only the removal of such magistrates as he had alluded to, but the appointment of a superior class of justices in these courts. No doubt could be entertained that the public had been, and was, dissatisfied with the mode of administering justice in these offices, and it was important, therefore, that not only justices, from whatever cause incompetent, should be removed, but that better should be appointed. The Lords had left the jurisdiction as extensive as it was when the bill left this House in nearly every respect, as he would presently show, and yet made alterations which would, in his opinion, mar its satisfactory administration. It appeared, however, that this clause was not absolutely necessary, inasmuch as the

superannuation could be obtained by existing Acts. He trusted he should not be thought to take up too much time, when he remarked upon another principal alteration of the bill. The House of Lords had thought proper to strike out the 26th clause, which gave to the police magistrates a summary jurisdiction in cases of petty theft; a clause which he regretted to find no longer in the bill, as he firmly believed it was a most valuable provision, and one constantly called for, and which would have been acted upon with general consent and approbation. For the proof of the value and importance of this clause, he would just refer the House to the evidence of one of the witnesses before the committee, which put this provision in a very important point of view. Mr. Hardwick says—

“We do exercise a very important jurisdiction at present, from a belief that it is better to decide the case at once for the interest of all parties, both the accuser and accused, in lieu of sending it to the sessions to be tried, involving as it does frequently long periods of imprisonment to the party accused. We do exercise such power perpetually, and we are assailed continually to exercise it still more, and an experienced officer said the other day, that there are few persons who have gone through a criminal proceeding that would ever complain again. There are nineteen out of twenty who have done that for the first time, not knowing what they have to go through, passing through the examination and re-examination at the police office, thence before the clerk of the Central Criminal Court taking the notes for indictment, thence to the grand jury, and thence before the petty jury and the court.”

Let it be remembered, that these proceedings all have to be taken for the most trifling, and the most numerous class of offences, the stealing a bun, or an apple, as may be seen in the reports of the inspectors of prisons. But the objections taken in the House of Lords surprised him. It was not that such petty offences were not fit objects for a good and well defined system of summary jurisdiction, but that the jurisdiction given under the bill interfered with trial by jury. Now, to that he begged to give a decided contradiction. The bill, as it went to the Lords, gave no jurisdiction over felonies, if he understood the technical meaning of the word. No such jurisdiction was ever intended or given. Felony was the crime of theft to which the law attached certain penalties, penalties which were very severe.

Long periods of imprisonment, transportation, and forfeiture of goods, corruption of the blood, &c. It was never intended, nor was there anything in the bill to give such power. The crime of theft, petty thefts in particular, had long, for forty years at least, been within the jurisdiction of a single magistrate, and of the petty sessions, of justices throughout the country without the intervention of a jury. Felony, then, was never placed by this bill under the single jurisdiction of a magistrate, whilst petty thefts, under several Acts—the Vagrant Act, the Larceny Consolidation Act, introduced by Sir Robert Peel, and the Police Act—all gave this jurisdiction, and were all in full operation throughout the kingdom, certainly without any practical injustice or complaint, or any idea that the right of trial by jury was impaired. The objection, however, respecting the violation of the right of trial by jury, came with a bad grace from those to whom such observations were attributed in the papers: no doubt such remarks were very erroneously attributed to them, but such objections were attributed to Lord Lyndhurst and Lord Brougham. The former noble Lord had sanctioned and prepared the 7th and 8th of George 4th, Sir Robert Peel's Act, and stated this in the debate in the House of Lords in June, 1827. The bill was introduced by Lord Tenterden, and the then Lord Chancellor (Lyndhurst) said, that the bill had long been under the consideration of Sir R. Peel, “who had been assisted by himself, by the late Attorney-general, and by the then Solicitor-general.” Lord Brougham also took part in the debate upon Sir R. Peel's bill, and raised not one word of objection to the severe, and he must say, arbitrary provisions of that bill. By that bill, a single justice could inflict twelve months imprisonment, and fines varying from 50*l.* to 2*l.* Compared with this, which required amendment, the bill now before the House was pre-eminently humane and merciful. In fact, the bill was wholly in mitigation of the existing law. The utmost imprisonment which could be inflicted was two months, and the utmost fine 5*l.*, and in all cases an appeal was allowed, where the sentence of imprisonment exceeded one month and the fine 3*l.* It should not be forgotten, that these magistrates were professional men, sitting in open court, under the constant influence of

public opinion and the public press. But if the observations in the House of Lords surprised him, the observations made recently on the bench of the Central Criminal Court surprised him more. There he found the Recorder of London stating, "that the present House of Commons had given their sanction to a measure for trying prisoners without a jury at all." The account goes on to state, that "the jury looked astonished, as well they might." The Recorder continued: "Gentlemen might well be astonished, but it was the fact, that a bill had lately passed the House of Commons empowering a single magistrate upon his own judgment to convict prisoners in cases of felony." This, he confessed, surprised him; for no such bill ever passed, giving any single magistrate any such power. A felony, he had said, was a technical word, implying the crime of theft, and a certain amount of punishment combined. Felony, then, was never placed under the jurisdiction of a magistrate, whilst petty thefts, had, as he had shown, been long under the cognizance of a single magistrate throughout the country. What became, then, of the statement made from the bench, and the assertion that the right of trial by jury was invaded? The fact was, that the law, when the Recorder was speaking, enabled a magistrate, on suspicion only of a felony, to convict for two months, without appeal, whilst the bill thus noticed required proof of theft to be given before conviction, and then allowed an appeal from a sentence of imprisonment exceeding one month. The law as it stood was unnoticed by the judge, whilst the bill was commented upon by the hon. Member. The impartiality of a judge was lost sight of, and he must say, that such observations appeared to him to be unbecoming the judicial character. The fact was, that this bill was only very objectionable to a certain class of legal gentlemen who were not indifferent to the fees derivable from the business of the Central Criminal Court, and they fancied, contrary to the opinion of many witnesses examined, that the more constitutional and direct jurisdiction proposed to be given by the bill would lessen the business of that court, and hence all the objections made. They could not endure, from the highest to the lowest functionary, that anything should interfere with either the fees, emoluments, or power of that

little burglarious world, in which they lived and moved and had their being. Such observations as those to which he had alluded appeared to him better fitted for that House than a court of justice. He begged pardon for thus occupying the House. The remarks he had made had been called forth by the unnecessary address of the Recorder of London, to whom he had written a note, apprising him of his intention to notice it when this bill came again under discussion. He would sit down, only saying that he had a firm conviction that this bill would confer great benefits upon a vast community which had long been denied justice. There could be no excuse for not now appointing thoroughly competent justices—men who would not only do justice, but would make the administration of justice respected; and so far from thinking this bill narrowed any right of the subject, invaded any ancient right, inflicted any severe penalty, or gave any harsh power, he believed it was a bill mitigating the existing law, and creating a useful and most beneficial jurisdiction. It was very capable of improvement, he hoped it would be improved, and that in lieu of the very objectionable power now exercised indirectly by magistrates, instead of that proposed in the bill, which required the proof of the crime alleged before conviction, the bill, as it formerly stood before the Lords' alterations, would hereafter become law. A short time would only elapse before the public would, he hoped, enjoy the full benefits contemplated by the police committee, in the more orderly and satisfactory administration of justice throughout the metropolis.

Sir C. Grey was not aware of any address having been made from the bench of the nature alluded to by the hon. Member for Lambeth, and thought the hon. Member somewhat premature in coming so rapidly to any conclusion upon that subject. He agreed, however, with that hon. Member, in entertaining an anxious desire that the bill should not be ushered into the world subject to any misrepresentation: and that, as regarded summary jurisdiction in case of felony, the question turned more upon the technical meaning of the words than anything else. But it appeared to him that the hon. Member for Lambeth had omitted to notice one very material point. According to his (Sir C. Grey's) impression, the bill, as it passed that

House, did not allow an appeal to a jury in all cases, a motion to that effect having been made by the hon. Member for East Kent and negatived. According, then, to his opinion, the bill, as it passed that House, gave power to the magistrates to punish summarily British subjects to the extent of imprisonment and hard labour for a limited period, without the right of appeal. He must say that he considered that was a strong interference with the liberty of the subject, and he had stated so when the bill was discussed in committee. He objected to the right of any magistrates to imprison without appeal to a jury. He would put the case to the hon. Member for Lambeth, how he himself should feel if placed in such circumstances, and if he found that he might be thrown into prison by the command of a single judge, subject to all the heats and infirmities of human nature, and that the right of appealing to a jury of his countrymen was denied him. It was true that parties in that situation might apply to the Secretary of State, and so long as the noble Lord now at the head of the Home Department held that situation, they would all have pretty good chance of access. But that noble Lord did not command a perpetual lease of office, and his successor might not be so willing to pay attention to the duties of his office as the noble Lord; he therefore felt it desirable that the power of appeal should exist in all cases. He could speak from his own experience, that he never knew a rogue who had been rightly convicted, appeal from the conviction. With the right of appeal, he should not object to giving summary jurisdiction to a greater extent than they did at present.

Mr. *Hawes* said, the hon. Gentleman was mistaken. The present bill mitigated the severity of the existing law, by which police magistrates could imprison for three months without appeal.

Sir *C. Grey* certainly thought that the motion of the hon. Member for East Kent, for allowing appeals in all cases, had been negatived, and that the House of Lords had adopted that principle.

The *Solicitor-General* said, the Lords had done nothing. The law remained precisely the same as formerly, giving an appeal in all cases where imprisonment exceeded one month, and the penalties 3*l.*

Mr. *Pryme* stated, that the hon. Member for East Kent had moved in the com-

mittee, that parties should have an appeal in all cases, but that amendment was negatived. We were going on abolishing the trial by jury by degrees, until at last we should arrive at the Turkish state in which the criminal law was administered by the will of the magistrate alone. He was most averse to depriving her Majesty's subjects of the protection of trial by jury.

Mr. *T. Duncombe* was very sorry to hear the hon. and learned Solicitor-general declare, that he was ready to agree to these amendments of the Lords. To that declaration he could by no means assent; and unquestionably he should take the sense of the House upon them. He rejoiced, however, that the Lords had struck out of the bill the summary clause. If it were right to give such jurisdiction to magistrates, why was the clause to be limited to a circle of fifteen miles round London, and why was not the benefit of it to be extended to the rest of the country? The real alteration, however, of the Lords, to which he wished to call the attention of the Commons, was one which completely spoiled the bill altogether. The Lords had struck out of the bill the third clause. That clause gave the responsible advisers of the Crown, the power of superseding the existing magistrates on payment of a pension or retiring allowance, not exceeding in amount two-thirds of their present salaries. The House of Commons, by a subsequent clause, had increased the salary of the future police magistrates, from 800*l.* to 1,200*l.* a-year, and had been induced to accede to that increase, from the declaration of Ministers, that under the third clause they should be able to get rid of all the weak, worn-out, imbecile old fixtures in Worship-street and in Queen-square. Yes, all the Whites, and Gregorys, and Nortons were to be swept clean away, and in their stead, we were to get young barristers of seven years standing, distinguished for great learning and legal talent. Now, the consequence of the Lords striking out the third clause, would be this—that Ministers would not be able to supersede the existing magistrates; and the result of that would be, that these old, worn-out, incompetent magistrates would get 1,200*l.* a-year, instead of the 800*l.* a-year which they now had, and would continue fixtures on the bench as long as they could either see, write, or eat. When the Lords struck out the third clause, they should also have

struck out the clause increasing the salaries of the magistrates. To do Lord Lyndhurst justice, he had come forward to strike out that clause; but then down came the Whigs in flocks, and defeated him for the sake of the golden fleece. After the superseding clause was struck out, the salary-increasing clause ought not to have been kept in. He should move that these amendments be read a second time this day three months. If he succeeded, as he trusted that he should succeed, in carrying that amendment, the effect of it would be the loss of the bill. He was aware that the Police Act expired in the present year, but nothing could be more easy than for Ministers to have recourse to their ordinary practice, and to bring in a short bill to continue it for another year.

The *Chancellor of the Exchequer* observed, that considerable misconception appeared to prevail in the mind of his hon. Friend the Member for Finsbury, respecting the provisions of this bill. His hon. Friend's observations were quite inapplicable to the real facts of the case. If this bill were to be rejected, and a continuing bill were to be introduced, as his hon. Friend advised, all the objections which had been urged against the present defectiveness of the police system, would remain in full force. In the bill, as it passed the House of Commons, the salaries of the police magistrates were increased with a view to obtain a better administration of justice, through the hands of professional men of learning and experience, than could be obtained from the services of some of those who were now employed by the Government as police magistrates, but whom he would not allude to by name, as they were not present to defend themselves. The clause granting that increase of salary, was coupled with another clause, enabling the Crown to supersede, at its discretion, certain magistrates upon retired allowances of a limited amount. The latter clause had been rejected by the Lords; and, therefore, to a certain extent, the public would not obtain the benefit which the bill as it passed the Commons was calculated to give them. But there were two circumstances which his hon. Friend had overlooked. In the first place, all the existing magistrates held their offices during pleasure; but that circumstance would not justify the Crown in removing them, so

long as they discharged the duties of their stations faithfully and efficiently. In the next place, the retiring allowances to be granted to them, did not rest upon this superseding clause; for they were provided for by the Act of 4th and 5th of William IV., cap. 24, an Act passed in 1834, for the purpose of regulating pensions and retiring allowances. In the schedule to that Act, were contained the retiring allowances to be granted to the police magistrates in the county of Middlesex, the city of Westminster, and the borough of Southwark. The Crown, by that Act, could enforce the superannuation of the police magistrates. As the consequence of rejecting the present bill would be to leave the present state of the police of the metropolis very defective, he did hope, that his hon. Friend the Member for Finsbury, would not persist in pressing his amendment. One word more before he sat down. His hon. Friend and colleague (Mr. Pryme), had declared himself most averse to abolishing the trial by jury, which he described as one of the most efficacious protections of her Majesty's subjects. Undoubtedly so it was, and most hostile should he and the rest of his colleagues be to any proposition which went the length of abolishing the jurisdiction of the petty jury. But the jurisdiction of the grand jury was also a protection to her Majesty's subjects; and yet his hon. Friend and colleague had proposed to abolish it altogether. On the next occasion on which his hon. Friend brought forward that proposition, he must pair off with himself, as nothing could be more contradictory than his opinions on the utility of grand and petty juries.

Mr. *Pryme* said, that his right hon. Friend and colleague had just shown that he had not listened to his speech on the subject of grand juries, for, if he had listened to that speech, he would have known that the abolition of the functions of a grand jury would not impair, but strengthen the functions of a petty jury.

Mr. *T. Duncombe* observed, that the Act to which his right hon. Friend had referred was passed in 1834. As in the interval which had elapsed since the passing of that Act—her Majesty's Ministers had not removed on retiring allowances any of those gentlemen who were such ornaments of the bench, he inferred that they had no intention to remove them now. He must, persist in his amendment.

The *Chancellor of the Exchequer* said, that her Majesty's Ministers had not till very recently received the recommendation of two committees that some of the present magistrates should be set aside. If, therefore, they had set them aside without such a good cause, they would have been accused of removing the magistrates from improper motives. By the present bill they would be authorized to remove the magistrates, and to procure in their room legal gentlemen of greater competency.

Amendment negatived.

The amendments of the Lords were agreed to.

EDUCATION OF SOLDIERS' CHILDREN.]

Mr. *Langdale* wished to ask two questions of the noble Secretary-at-War—first, whether or not the children of soldiers were forced to attend the regimental schools, and to be educated solely in the religion of the Established Church? And, secondly, whether there was any intention of relaxing the rule which had hitherto been acted upon, and which had the effect of depriving the children of Roman Catholics, as well as Presbyterians and Protestant Dissenters generally, of the benefit of the Asylum School at Chelsea, unless they were educated in the doctrines of the Established Church?

Viscount *Howick* answered, that no change whatever had been introduced into the practice of the army by the late order on the subject. In the regimental schools, no children were required to be educated in any religion of which their parents disapproved. With respect to the education of children in the Asylum School at Chelsea, the education of the children there was wholly in the doctrines of the Church of England. He had some time ago seriously deliberated upon this subject, in concert with the commissioners, and after a very full consideration they had been compelled to come to the conclusion that it was impossible in that institution, as it was constituted, that the children who are there, and who are entirely provided for within the institution, could be educated, under any practicable arrangement, in any religion but that of the Established Church.

THE RECORDER OF LONDON.] Mr. *Law*, seeing the hon. Member for Lambeth in his place, hoped the House would grant him the usual indulgence, when he re-

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quested the hon. Member to state what had occurred that morning in reference to an intimation which the hon. Member had sent to him, that the hon. Member intended to notice some observations he was reported to have made in the course of a trial at the Central Criminal Court. He was aware that he must throw himself upon the indulgence of the House, in begging that the question might be answered; and he did so as well from being a Member of that House, as also because the matter was connected with the discharge of his judicial functions. He hoped, therefore, the hon. Member would state the substance of any complaint he had to make in consequence of anything he was reported to have said.

Mr. *Hawes* really did not know whether he were called upon to reply to the hon. and learned Gentleman's question. Had the hon. and learned Member been in his place in the morning, as he ought to have been, he would have heard the statement he had made; and he thought it too much to be called upon to state over again the observations which, in the discharge of his public duty, he had thought it right to make. He could not, perhaps, recollect the exact phraseology he had used, and he must say, that it appeared to him a most unnatural course, having intimated to the hon. and learned Member in the course of Friday, that he should take an opportunity when the Police Courts Bill came before the House, to notice (not to complain, for he had no complaint to make) an address reported to have been made to a jury in the Central Criminal Court. He had yesterday requested the noble Lord, who had charge of it, to postpone the bill till to-day, in order that the hon. Member from whom he had received no answer till three o'clock that day, might have full notice. He was now in the hands of the House, and was willing, if it thought proper to enter upon the debate. ["No, no."] If the House wished it he was ready to defend what he then stated, but it was rather too much to ask him to repeat his observations.

Mr. *Law* assured the hon. Member and the House, that although the hon. Member's letter to him was dated on Friday last, he being out of town, did not receive it until one o'clock yesterday. He immediately returned to town at great personal inconvenience to himself, and arrived at the door of the House at a-quarter before

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four o'clock, not being aware that the House would sit at an earlier hour. This being the case, he confessed he was somewhat surprised at the hon. Gentleman's disinclination to re-state what he had said in the morning. However, as the hon. Member now stated that he did not complain, and as the mere personal opinion of the hon. Member as to any part of his conduct was a matter of complete indifference, he would not trouble the House with any further remarks upon the subject. He, thought, however, he might be allowed to observe, that when the hon. Member sent a notice to him of his intention to direct the attention of the House to some part of his conduct when acting in a public capacity, when the hon. Gentleman received an answer to that communication as soon as circumstances could possibly admit, and when he came to town to meet any observations the hon. Member might feel it his duty to make; he thought it was not too great an indulgence from one gentleman to another, not to say from one Member of the House to another, to restate the substance of any observations—[The hon. Member was interrupted by cries of "Order!" and Chair!"]

The *Speaker* thought it would not be wise to press the matter further. The hon. and learned Member had called on the hon. Member for Lambeth to state the substance of any observations he had made; and it was certainly competent for the hon. Member to do so, but the hon. Member having declined, it was irregular to create any further debate. He had understood the hon. Member, when he rose, to make some explanation of what had occurred, which he (the *Speaker*) conceived was perfectly in order, but beyond that he thought any discussion would be irregular.

Mr. Hawes hoped he might be permitted to state, with reference to the communications on which the hon. and learned Gentleman laid great stress, that he had addressed a note to the hon. and learned Gentleman on Friday; that he had taken great pains that the note should be delivered, and on the door of the hon. and learned Gentleman's chambers there was a notice that the person in charge would attend again directly. He had heard nothing further upon the subject until he saw the hon. and learned Gentleman to-day, when the hon. and learned Gentleman stated that the only reason why the hon.

and learned Gentleman had not answered his letter was, that he had not received it in time. He had thought that all he could do was to intimate to the hon. and learned Member that he intended to notice the address he had made.

Subject dropped.

CANADA—CASE OF MR. VIGER.] *Mr. Hume* wished again to draw the attention of the Under Secretary for the Colonies to the case of Mr. Viger, who had been confined in the gaol of Montreal, Lower Canada, for two years, without having been brought to trial. It would be in the recollection of the House, that some time since he had asked a question on this subject—but he had this day seen an individual who had just arrived in this country from Montreal, and who stated that Mr. Viger was still detained in the gaol of that city, and that his family were denied all access to him. Such treatment as this he considered exceedingly cruel towards a gentleman seventy-five years of age, and who had for a long period occupied the high situation of a Member of the Assembly of the colony. It was cruel that he should be compelled to linger out another winter in prison, suffering such severe privations. He had asked to be brought to trial, either before the ordinary tribunals, or before a court-martial, he did not care which: but it was a cruel case that he should be detained in prison at his time of life, and made to undergo these privations.

Mr. Labouchere said, he had answered the question of the hon. Gentleman some time ago, and he could only now reply in the same terms that he had on that occasion; but he thought that the House would be of opinion, that under the circumstances of the case, Sir John Colborne could not have acted otherwise than he had acted. He could not state exactly the manner in which Mr. Viger had been treated; but he thought it was unlikely that he was subjected to any hardships which were not necessary for his safe custody.

Mr. Hume wished to know why any British subject should be confined for two years without being brought to trial? It was most cruel and most unjust.

BANK OF IRELAND.] On the Order of the day for going into Committee on the Bank of Ireland Bill being read,

The *Chancellor of the Exchequer* said,

undoubtedly, the events which had occurred during the last month, in respect to the Bank of Ireland Bill, would impose upon him a task of no ordinary difficulty, and he feared he must add, also, of no ordinary responsibility. The difficulty in which the House was placed—he abstracted for the moment any difficulty which affected himself or her Majesty's Government—was of no common character. He should wish, before he adverted more distinctly to the resolutions of her Majesty's Government, and to the determination they had come to, to explain, at no great length, but to explain, nevertheless, the object the Government had, in the introduction of this bill. This bill affected the Bank of Ireland, the joint-stock banks in Ireland, and affected the British funds. So far as it affected the Bank of Ireland, it contained provisions to continue for a time certain of four years, and, in the event of Parliament not interfering to the contrary, for fourteen years, the present exclusive issue of notes of the Bank of Ireland, within Dublin and the metropolitan district, as at present confined by law to a circuit of fifty miles. During the progress of the discussion, and more especially in the debate which occurred on moving the resolutions, it was stated by many, that they thought that the interval of time between the present period and the possible remission of the arrangement with the Bank of England, might be advantageously and properly employed in an inquiry into the general principles of banking, and to determine, not only with respect to Ireland, but with respect to England, what were the principles on which it behoved that House to proceed. He had stated, undoubtedly, that he was far from affirming, and should be reluctant to affirm, that the arrangements proposed in this bill were those which ought to be permanently adopted by that House; but that he thought it most consonant with the sound principles of legislation, to make the termination of the exclusive privileges of the Bank of Ireland contemporaneous with those of the Bank of England, in order that the whole subject might be discussed at once, not as a matter affecting Ireland, but as a matter affecting the whole empire, and that whatever system of legislation it was desirable to adopt, should be applied to both parts of the United Kingdom. He was opposed, upon the introduction of this bill, by hon. Gentlemen: the first, who gave a notice, was the hon. Gentleman the Member for Kilkenny, who objected not only to his

proceeding, but who suggested a contrary course. His bill continued to the Bank of Ireland, subject to certain conditions, the exclusive issue of promissory notes, payable on demand, in Dublin and the neighbourhood. The hon. Member for Kilkenny laid down, on the other hand, as a position, that the banking trade, in this branch of issue, as well as in the other branches of banking, ought to be free; that free competition contained within itself a sufficient check against any abuse, and the hon. Member held out the case of Scotland as the example which ought to be pursued in respect to Ireland. He certainly should be making an unwarrantable trespass on the time of the House, if he were to enter again into the arguments on the bill, or in answer to those of the hon. Member for Kilkenny. The arguments on both sides were now before the public, and he was ready to abide by their decision. But it was evident that the antagonist principles contended for were irreconcilable. He had thought, that one of them was sufficiently disposed of early in the discussion, but soon after the question assumed a new aspect, and the House was called upon to view it as it bore upon Irish interests, and were urged to abandon it altogether, or to discuss it on principles peculiarly Irish. He had endeavoured as well as he could, and, he hoped, without any incivility, to argue against that view of the question, and to contend for the abstract principle; but it appeared, that he was to be met, not by reasoning or argument, but by a pertinacious course, the object of which was the delay and defeat of the bill. It had been met, not on its merits, but by a sort of mechanical opposition—a mode of operation, by which the best and most useful bill in the world might be defeated by a small majority. For instance, the Portuguese Slave Suppression Bill, which had passed the other day, might, if subjected to this mechanical opposition, have been defeated, and the just expectations of this country and of Europe have thus been frustrated. He knew it might be said, that such an opposition was all fair, because it was permitted by the forms of the House, but, except on one occasion this Session, he had never before known the forms of the House so applied. Before he proceeded to other observations connected with this question, he would state one fact which was much misapprehended. It was said, that this course of opposition was rendered necessary, because the Government had such a majority of official Members in

attendance as would prevent a fair expression of the opinion of the House. Now, an analysis of the several divisions on the bill showed clearly, that on all those divisions, the majorities in favour of the bill did not consist of official men; so that if no official men had been in attendance, the same results would have taken place. Now, with respect to the bill, it was proposed to continue the Bank of Ireland Charter for four years, which might afterwards be extended to a larger period. The term of four years having been objected to by an hon. Member, he stated that he was ready to attend to any reasonable suggestion as to the limitation of the period; but afterwards that objection seemed to be given up, so that no blame lay with him as to the term of four years. It had been objected, that the bill would deprive joint-stock banks of many advantages which they ought to enjoy, and of the usual means of carrying on their business—that they could not sue and be sued. These and other advantages he was disposed to extend to them, and to give to those in Dublin, and also to the banks in Drogheda, Carlow, and other places, all the advantages enjoyed by the Bank of Ireland, save and except the power of issuing promissory notes payable on demand. As to the joint-stock banks of issue, he was prepared to give them such power as would enable them to carry on their business—to draw at not less than ten days, and for sums not less than 10*l*. These would have been considerable advantages to Ireland. To England the bill would have been also of much advantage. It would have procured the remission of a debt of 23,000*l*. a-year, and a funding of 900,000*l*. of Exchequer-bills now held by the Bank of Ireland, and on terms highly advantageous to the public. But, notwithstanding these advantages, it was fairly admitted, that the opposition made to the bill would be continued so as to render it impossible to carry it in the present Session. Under such circumstances, it became the duty of Government to consider what course should be taken. The Government had made a proposition to the Bank of Ireland, subject to the approval of Parliament; but, in the wish to carry out that proposition, it was to be considered whether they should yield to a mechanical opposition, and thus make a precedent which would be productive of most serious consequences at some future time. One suggestion was, that under such circumstances, there should be a call of the House; but passing by the inconve-

nience of calling Gentlemen—many of whom had returned to their homes, and many gone to the Continent—he was satisfied that such a course would not bring any reasonable proportion of the Members who attended an ordinary call; but, as he said last night, even if 300 attended, he should, with the continuance of the same mechanical opposition, have to contend with the same difficulties as before, and that in the end he should not be in a better situation than before. Under these circumstances, he communicated with the Bank of Ireland. In justice to that body, of whom they had heard so much, and on whom so much abuse had been poured, he must say, from what he had seen and known of them, that a more honourable, a more disinterested, a more public spirited set of men it had never been his good fortune to meet in the course of his life. The Bank of Ireland was as well aware as he was, that under such an opposition as had been resorted to, it would be impossible to carry the bill this Session. To have altered the rules and forms of the House for the purpose of obviating the Opposition was a course which he could not think of recommending. Indeed, he was himself an advocate for retaining those forms, and particularly the power of moving adjournments; but as that was a most useful and constitutional privilege, the greater care should be taken that it should not be abused and prostituted to bad purposes. If he had proposed an alteration of the forms of the House for the purpose of obviating the opposition, he should have been open to still stronger objections than had been urged against him, and then the objection as to the late period of the Session, such as it was, would apply with still greater force. Then, he again asked, what was the alternative? Suppose the bill should not (as would now be the case) pass into a law, did those who complained of the monopoly of the Bank, believe that that monopoly would be lessened by the loss of this bill? Did those who complained of the injury done to the joint-stock banks believe that they would be benefited by it? Would the public gain by the loss of the bill? No; on the contrary, it would lose by it—it would lose 23,000*l*. a-year which the Bank of Ireland agreed to give up. Thus, then, upon the showing of the opponents of the bill, there was no ground, logically speaking, for giving it up. The only ground was the determination to oppose it. He would not now offer any further opinion upon that opposition, but

would leave it to be judged of by the cool consideration of the commercial world, by whose decision he would be ready to abide. He would leave to the public to judge whether it would not be better for the commercial community, that the bill should not be withdrawn. But there was one difficulty which was insuperable as to any compromise. There were the 900,000*l.* of Exchequer bills which the Bank of Ireland held, and which the present bill proposed to fund. It would have created some difficulty to have that amount thrown upon the market, which the Bank had it in its power to do, and if it insisted on their being paid, it might have been necessary to raise a loan to that amount to pay them. The Bank of Ireland, then, had it in its power to throw many difficulties in the way of the Government. It might have said, "As you have not been able to carry out your own proposition to us, we now call on you to make good those engagements under which you already stand to us." That, however, would at the present time, be attended with great inconvenience to the public. What was to be done? The Bank of Ireland, with great generosity and public spirit, said, "We do not urge any claims of our own that would embarrass the public, and we shall be perfectly satisfied, that the Exchequer bills should be funded by you, not on the terms you have offered to the public, but on the less favourable terms of the Bank of England itself. Under these circumstances, reluctantly and against his own wish and inclination, if he had had the power of fighting single-handed with any number of opponents, he would not have given way, but would have endeavoured to continue the contest till the last moment; but he was bound to look to the convenience of the House and of the public, and though his wish was to go through with the bill in spite of divisions, he could not do so without calling for a great sacrifice on the part of the House. He, therefore, proposed to bring in a bill to continue the existing arrangement with the Bank of Ireland for the period of one year. He proposed this with the entire assent of the Bank of Ireland itself. If the Bank of Ireland, or those interested in its behalf, had taken another view of its duty, he should not have adopted this course; but he was justified in saying that the Bank of Ireland assented to the course, and the more gladly, because they were confident they were in the right; and if he had had the power

of carrying the bill, and had not been met and foiled by an opposition without example in this House of Parliament, and if, by sitting for a fortnight or three weeks longer, the bill could have been carried into effect as a law, it might have been suggested, that it had been forced through a reluctant House of Commons without adequate inquiry and discussion. The Bank of Ireland wished that the measure should be discussed at the earliest period of the next Session, and in the fullest House; and they would on such an occasion see how the "Ayes" and "Noes" stood. If he was asked why he took this course at the present moment, and why he did not endeavour to persevere, however ineffectual the attempt might be for some days to come, he would say, that if he thought he could thus attain the object, it would be something certainly; but if he unnecessarily protracted the Session for a fortnight longer, the public might become more indifferent to the injustice of the opposition than if he were to leave the case as it stood. He, therefore, proposed, to let the bill pass through the committee *pro forma*, so as to include in it all the amendments he proposed, that the people of Ireland might have the means of considering the bill in its most perfect state. He should, therefore, on Thursday next, reprint the bill and propose that the further consideration of it be postponed for three months. He should, in the course of this evening, ask leave to bring in a bill for continuing the Act of the last Session till the 1st of January, and for giving effect to the proposed funding of the 900,000*l.* Exchequer bills. These two objects could have been carried into effect only by the liberal conduct of the Bank of Ireland. He had been conquered, not by means of numbers, nor by argument, but by the force of a principle which, though legitimate, might be dangerously employed, and he forewarned the House and the public, that this precedent, to which he had been reluctantly compelled to submit, but which he, nevertheless, reprobated and condemned was one, which, if repeated, would call upon the House as a matter of necessity, to consider its own modes of proceeding, if it wished not to surrender its independence and the constitution of England to the dictation of any knot of five or six Gentlemen who chose to abuse the forms of the House for that purpose.

Mr. O'Connell disapproved so much of

the manner in which the Chancellor of the Exchequer had closed his remarks, that he would imitate it as little as possible. He could not be angry at the right hon. Gentleman's blaming him for abusing the privileges of one of the Members of the House to prevent the establishment of one of the worst of purposes, that of a Minister of the Crown from presuming to dictate to the House at a late period of the Session without any reason. The right hon. Gentleman stood alone. He was in this singular predicament; he was the first Gentleman of any cabinet who for six or eight nights had not had one word of support for one of his measures from any Member of the same Cabinet. The whole of his succour had come from the other side of the House, and with that little eleemosynary aid, and as one Member of the Cabinet it was, that the Chancellor of the Exchequer assumed a high tone and ventured to speak of the opposition as mechanical. He would tie the right hon. Gentleman down by his own acts. He said that the country would lose 23,000*l.* in the next year. Why did he not serve notice on the Bank in 1838? If he had given notice he would have saved three times 23,000*l.* He had neglected to serve notice for 1838, 1839, and 1840. Notice ought to have been served. What predicament was the Chancellor of the Exchequer now in? He had placed himself in the power of the Bank of Ireland instead of having that Bank in his power. That was the position of the Chancellor of the Exchequer, who assumed such a high tone, whilst he persevered in a neglect of duty. From the first, he had offered to give up his opposition, if any one would get up and say that the Chancellor of the Exchequer had brought in the measure at a proper time. He had repeated the offer if such an assertion were made. The Chancellor of the Exchequer had not said that himself, and why should any one else say it for him. The right hon. Gentleman complained of a mechanical opposition unusual in that House; but no one had had the hardihood to assert that the period at which the bill had been brought in was not an unusual one. See how he illustrated his own course. The right hon. Gentleman admitted that he had brought in the bill at a time when a call of the House would not bring 300 Members together. Why a mechanics' institution of the worst kind would not invent such

an anomaly. The Chancellor of the Exchequer stood alone, and then he talked of prostituting the regulations of the House; prostituting the resources of the Government he should have said; and prostituting the situation of the Chancellor of the Exchequer. Three years had elapsed since committees had been investigating the subject; the last report was made a year ago, in July 1838. There was full information in that, and yet, without the least pretext, he lay by till the 2nd of August. And to talk to him (Mr. O'Connell) about precedents. Why, when some future Chancellor of the Exchequer would quote this precedent, he would say, "My measure is not half so bad as that proposed in former times, and yet you bring to bear against me a course of proceeding which was not taken against Thomas Spring Rice, the delinquent Chancellor of the Exchequer" as he would say then. The Chancellor of the Exchequer glories in his principles. Did he not admit the proceeding to be against principle. Did he not say that a monopoly could not be defended? Was not this a monopoly? And would he now come forward and say that it would be defended? This was a question of monopoly—the Bank of Ireland was a monopoly. The right hon. Gentleman had shown no cause for the measure. He said that the people of Ireland ought to be consulted. He agreed that they should. He knew that he was satisfying his constituents; he knew the opinion of Scotland pretty well; and he knew that the course he had taken had delighted the people of Ireland. The right hon. Gentleman would soon be sheltered in a safe haven, from which he might look down upon their struggles, and he trusted that he would never have to repeat his name except for some ancient recollection or another. As the right hon. Gentlemen had analysed the divisions on this bill, he would ask how many of those wished to destroy the ministry had voted in the minority against him? With a single exception there was no one in those minorities but those who supported her Majesty's Government. But then, said the Chancellor of the Exchequer, "The Bank of Ireland is a splendid thing—it is all generosity, and goodness, and brilliancy." He had not said a word against the Bank directors personally; he believed that there were not more amiable men in private life, but, with one or two

exceptions, they were awfully bad politicians. They had the sanction of hon. Gentlemen on the other side of the House, and he (Mr. O'Connell) gave them credit when he believed that they would not have given their support to the directors of the Bank of Ireland if they had been Liberal. If Mr. Roe was not a Bank director why was it? would he not have been a Bank director if he had not proposed him (Mr. O'Connell)? There was not in the whole community a more respectable individual—he had accumulated a large fortune, and he bore a most honourable character in all his dealings. When Mr. Guinness was made a Governor of the Bank, it was after he had deserted his old politics; he was a reputable gentleman of business, he was most respectable in private life, but he was a political renegade. And what reason did he give for his changed vote? A religious one? What had the Bank of Ireland done for the public? Had the Chancellor of the Exchequer said anything as to their advantage to the public? They had accumulated property for their constituents; they were a perfectly solvent company. Why, the complaint against the company was, that they had an unused store beyond any demands that could be made upon them. They made money for themselves, but they made it by a monopoly as against the public. Every shilling that they made was taken out of fair trade. Then it was said that the bill would do a good deal of good. Had they understood from the Chancellor of the Exchequer that it would be six years before the Bank charter could elapse? He thought that the least the House could have been informed of was this. It would not end till twelve months after the first of August, 1844—six years, instead of the four years of which the Chancellor of the Exchequer spoke. The Chancellor of the Exchequer said, that the bill in its amended shape ought to be printed. That was fair, and he (Mr. O'Connell) would give the right hon. Gentleman every facility for making his amendments. He would even now call the attention of the House to one of the clauses that was to do so much towards promoting the freedom of the banking trade. The marginal notes said, that banks issuing notes within fifty miles of Dublin might have houses of business there for all purposes, except the issuing and re-issuing of notes. See what that did. It did nothing at all for the

joint-stock banks. It affected to give them the power of having houses of business, but they were entitled to them under a previous Act. This pompous security for the joint-stocks was worth nothing. There had never been a more unfounded complaint than against the opposition to this bill. It had prevented the passing of one of the worst of measures which it had not been attempted to vindicate. The Chancellor of the Exchequer accused him of repeating his arguments; he could not accuse the Chancellor of the Exchequer of that, for anything in the shape or argument had never escaped his lips in support of this monopoly. It was said that the Bank of Ireland resembled the Bank of England; it resembled it in name, but he believed that such a company as the Bank of England would not allow its name to be tarnished by the connection any longer, when they saw that the example of Scotland was to be overlooked, and that Ireland was to be trampled on as it had hitherto been. What had caused the wealth of Scotland? Scotland was not rich when banks were first established there; why did they not follow in Ireland the example which had succeeded in Scotland? They had the means of guarding against fraud or insolvency. In the next Session, in a fuller and more dispassionate House, he would call upon them to give to Ireland the same form of banking as Scotland, and which the Chancellor of the Exchequer would no more attempt to take away from that country than he would to remove one of the pillars of the Constitution. He would conclude by bringing forward his reasons for the course he had taken. No man had stated any substantial reason for it; for three years the Chancellor of the Exchequer had neglected his duty; committee after committee had sat to obtain information; information had been obtained; for twelve months the Chancellor of the Exchequer had not brought forward the bill; and when he did bring it forward, it was at a time when he had admitted that he would not have succeeded, even with the aid of a call of the House, in procuring an attendance of half the Members of that House. He had mighty divisions of thirty-five, thirty-six, and thirty-eight, and he talked of fighting single-handed. The troops on either side would not number twenty-three, and yet this hero of a hundred fights would exhaust his strength in

a House numbering twenty-three at one time, twenty-five at another, and actually amounting to twenty-seven at another! He (Mr. O'Connell) trusted, that when the question should be again brought forward, some Member of more talent, but of equal determination, would resist the attempt as he had done. The Chancellor of the Exchequer had himself broken down one branch of the monopoly which was now limited to fifty miles, and had once extended all over Ireland. The Chancellor of the Exchequer had broken that down, he had himself joined the joint-stock banks, by which, as he said, notes were coined and then he turned round and talked with ease about establishing the monopoly itself. He was sorry that the right hon. Gentleman had not given up the bill with something of a better temper, with somewhat of a less disposition to cast obloquy on others, when, if there were any crime, he was himself the criminal, without any excuse, and without any attempt at palliation. The spirit which existed in Ireland would prevent her oppressors from holding the ministerial bench. Long might that spirit animate her; and, as to this bill, he was content to appeal to the opinion of the people of Ireland.

Mr. *Gisborne* said, that as far as he was concerned, although the Chancellor of the Exchequer had used hard words, he was aware that such an opposition could not be carried on without great inconvenience and much difficulty. During the nine years, however, that he had been in the House, neither the Government, nor any individual, had ever experienced any unfair opposition from him. The only inducements he had had for the course he had now taken were the interests of his constituents, and because he considered that the Members for Ireland were taken by surprise, and could not have a fair chance of resisting the bill. In his opinion, the minority were justified in taking that course, for no other full and fair course of opposition was open to them: and, however much he might regret being driven to adopt such a course, he did not feel that he was justly subject to the reprobation which the right hon. Gentleman had cast upon him.

Viscount *Howick* could not refer to the statement that his right hon. Friend had been left unsupported by his colleagues, without distinctly denying the assertion.

On the first night of the discussion the right hon. Gentleman, the Member for Manchester, the nature of whose avocations, and whose business in the Government led him to attend to matters of this description, stated his reasons for supporting his right hon. Friend. He (Viscount *Howick*), for one, felt that after such a statement, it would have been impertinent in him to have added any reasons of his own for concurring in the same view; but he was in his place to divide when a division was found necessary. He felt also, that he would only have been playing the game of those Gentleman who wished for delay, if he had not left the argument in the hands of his right hon. Friend, and if he had attempted to join in the debate. The measure was brought forward by his right hon. Friend not in his individual capacity, but as representing the Government, and it was but just to his right hon. Friend, as well as to the Government, who would have been base if they had deserted his right hon. Friend in the manner complained of, if he did not make that statement. He entirely concurred in the opinion, that they had established a precedent of the most dangerous character. In his opinion the power of causing delay by moving repeated adjournments was a power which it was most valuable that the minority should possess, but which, if abused, must by some means be eventually lost. It would be lost if instances of its abuse became frequent, and he did believe that in the present case it had been greatly abused.

Mr. *O'Connell* remarked, that the noble Lord had attributed to him what he did not say; he did not say, that the support of the Cabinet was not given to the Chancellor of the Exchequer; he was aware that the measure was supported by the Cabinet; but what he did say was, that not one Member of the Cabinet had spoken on the right hon. Gentleman's behalf. The noble Lord's interest in Ireland was known full well; it had been felt severely; and he at least ought not to have been the person to come forward upon the present occasion.

Viscount *Morpeth* could assure the House, that the Chancellor of the Exchequer had acted throughout not only with the full cognizance, but with the entire approbation of the Government, and he must say, that every part of the right hon. Gentleman's proceedings had been above

board and sincere. In his support of this bill he had not expressed any opinion as to the permanent footing on which the Bank of Ireland ought to be placed, he had only promoted this bill, reserving his opinion on the general, till they should have an opportunity of considering the Bank of England charter and the whole monetary system of the two countries. The argument of the non-support of the right hon. Gentleman by his colleagues did not square very well with the argument, that the House was overborne by official votes.

Mr. *Hume* considered that the argument of the hon. Member for Dublin, founded on the fact, that no other Cabinet Minister had spoken in support of this bill, and the statement of the noble Lord, that this was a Cabinet measure, were perfectly consistent. He considered the course which he had taken upon this question perfectly proper, and that the course which had been pursued by the Government was totally unjustifiable.

Mr. *O'Connell* wished to correct a statement which he had made in the former part of the debate. He alluded to what he had said in reference to Mr. Guinness—namely, that he had voted against him on religious grounds. That Gentleman had seen a friend of his since that allegation had been made, and had declared that he had been guided by no such feeling. He, therefore, was quite willing to retract any observation which had fallen from him having such a tendency, and to express his belief that Mr. Guinness was incapable of proceeding as he had suggested.

Committee deferred.

COUNTY COUNCILS.] Mr. *Hume* moved for leave to bring in a bill for establishing county councils, which he said was only slightly different from that which he had before proposed.

Mr. *Law Hodges* opposed the motion, and said, that if the bill proposed were printed and circulated throughout the various counties, it would create great alarm. He thought, that it would be better to withhold the measure until the next Session.

Mr. *G. Palmer* opposed the principle of the bill. He was satisfied, that the majority of votes would be given for persons of comparatively very small property. The existence of boards of guardians, also,

rendered the formation of such bodies as these councils unnecessary.

Lord *Eliot* said, the bill introduced two Sessions ago by the hon. Gentleman was so generally objected to, that the present measure, which was almost the same, had not any prospect of passing. Its effect would be to increase the burthens of the yeomanry, which were already too great.

Mr. *Hawes* hoped the House would allow the bill to be brought in, having recognized the principle by allowing the introduction of the former bill of the hon. Gentleman.

Mr. *Aglionby* said, the principle of the bill was the same as the former, but the details had been altered in accordance with the expressed feeling of the House on that occasion; he hoped, therefore, the hon. Member would be allowed to introduce it.

Mr. *Freshfield* thought the circumstances of the principle of this bill being the same as that of the former bill, which was on consideration rejected, was the best reason that could be afforded for not allowing the hon. Member to introduce it.

The *Chancellor of the Exchequer* said, in supporting the motion of his hon. Friend, he begged distinctly to be understood as not pledging the Government to support either the principle or the details of the bill. At the same time he thought, that there was not then a sufficient number of Members present to debate such a question: he moved that the debate be adjourned.

Debate adjourned.

HOUSE OF COMMONS,

Wednesday, August 21, 1839.

MINUTES.] Bills. Read a first time:—Imprisonment for Debt (Ireland).—Read a second time:—Exchequer Bills Funding; Bank of Ireland Act Continuance.

BANK OF IRELAND.] The Chancellor of the Exchequer moved the second reading of the Bank of Ireland Act Continuance Bill.

Mr. *Finch* could not allow that opportunity to pass without expressing his regret, that the rate of interest to be paid to the Bank of Ireland, was not the same as that contemplated in the bill that had been withdrawn.

Mr. *Ellis* thought it rather unreasonable, that the Chancellor of the Exchequer should be called upon to reduce the rate of interest, when that was contingent upon other ar-

rangements which had not been carried into effect.

The *Chancellor of the Exchequer* said, no one could more regret the unsatisfactory state of that system, and no one could have shown a more anxious wish, or made more arduous exertions to bring matters to a settlement, than himself. But the hon. Member must remember, that the proposition made from the other side of the House, was to arrange the matter of the Exchequer bills this year, and leave the other points for separate consideration. He thought hon. Members must see, that the Bank of Ireland, instead of being open to blame, had, on the contrary, done everything they could to bring about an amicable settlement of the question. When, in consequence of the suggestion to which he had alluded, he had agreed to adopt its principle, he was now again asked to go into the whole of the other points connected with the banking laws in Ireland. He could assure the hon. Gentleman, that no one could be a greater friend, than he was, to a system of free banking, but always apart and separate from the making of money. The point on which he differed with hon. Gentlemen on this subject, was connected entirely with the question of issue, and nothing else. He would take that opportunity of alluding to a statement which had been made yesterday during the debate, by the hon. and learned Member for Dublin. The hon. and learned Gentleman had stated, that Mr. Roe, the gentleman who had nominated the hon. and learned Gentleman at his last election, had been excluded from the office of director of the Bank of Ireland, on account of his political opinions, which made a considerable impression on the House. That statement was, however, erroneous. The facts were, that there were in Dublin two brothers, Mr. Roe and Mr. R. Roe, secretary to the Chamber of Commerce, a gentleman of very extensive acquirements, and the best political economist he had ever met. He was the author of various petitions to that House, of great importance, and of one in particular, on the usury laws, which was a model of sound reasoning and correct composition. That gentleman, indeed, stood so high, and was so much esteemed in the city of Dublin, that he had been more than once offered the representation of that city, which he had declined, but he believed all parties admitted, that they would have been honoured by having such a representative. The elder brother was appointed to the direction, and it being contrary to

the rules of the establishment to have two brothers members of the corporation, the House would at once perceive, that there had been no exclusion of the younger brother, on account of political motives, from being a director of the Bank of Ireland. These were the precise facts of the case, and he trusted they would be satisfactory to the House.

Mr. D. Callaghan believed, that the hon. and learned Member for Dublin, who was not present, was perfectly aware that he had been led into error, and would have corrected the mistake last night, had he not been told by an hon. Member, that it was scarcely worth while mentioning it again to the House.

Bill read a second time.

DUKE OF MARLBOROUGH'S PENSION.] On the Order of the Day being read for bringing up the report on the Duke of Marlborough's Pension Bill,

Mr. Wakley said, he hoped some one in the House would divide with him against bringing up the report. He did think that, on principle, a more objectionable measure could not have been submitted to the House. The hon. Member for Kilkenny had already offered a fruitless opposition to the bill. This bill ought to have a different title. It should be entitled "A Bill for increasing the Pension of the Duke of Marlborough by 375*l.* a-year." If such a title were adopted, it would be understood by the public; but the public would have great difficulty in comprehending why a Duke was relieved on this occasion, when, if a person of less consequence came before the House for redress, he would find none. But being a Duke, of course he had an ample number of supporters in the House, and got a Gentleman to argue his case with such great ability, that he induced the right hon. Gentleman—he had nearly said the noble Lord—to bring in this bill. The right hon. Gentleman had now a great sympathy with Dukes, because he was about to be associated with them. He had no such sympathy; and he looked at the case with reference to the merits of the question, and not to the situation of the particular individual who claimed redress. He wanted to know if the Duke had performed any public services which entitled him to the consideration of the House? He might have voted as hon. Gentlemen had wished on sundry occasions in the Upper House, but it would be paying dear for his votes, to give him and all who came after him,

375*l.* a-year for what he had done in this respect. How did the House deal with the poor under the Poor-law Amendment Act? How did it treat the Chelsea pensioners, who had no person to represent their interest in that House? But a Duke, having considerable family interest, came there and found relief. The House could show its sympathy in that case, but it could show none with reference to the poor of this country. He, therefore, moved that the report be received that day three months.

Mr. *Hume* said, before strangers withdrew, he wished to state his entire concurrence in the views of his hon. Friend. He had opposed the bill on a former occasion, and, although he had had a seconder, he had not had the good fortune to have any supporters. Finding the opinion of the House to be entirely against him, he thought it unnecessary to offer any opposition on the present occasion, having already recorded his opinion on the subject; but if any other hon. Member wished to divide, he would not withhold his support from him. It had been argued that the Duke of Marlborough was entitled to the 5,000*l.* a year Parliament had originally allotted to him. According to that argument, this bill would not place him in the situation he ought to be in. Parliament thought fit to tax his pension, first 4*s.* in the pound, and then again 1*s.* 6*d.* in the pound; the latter deduction amounted to 375*l.*, and he considered the present bill in the light of a grant for that amount; for he held that, at the present moment, the Duke of Marlborough was on more entitled to this than if he had never had it; and such was the opinion of the Treasury in the year 1811, who had made a deduction for the two preceding years from the pension, thus carrying the intention of the Parliament into effect. He entirely agreed with his hon. Friend, that if any person in humble circumstances had applied for this relief, he would not have obtained it so easily as the noble Duke had. He agreed with the hon. Baronet, the Member for Oxford, that the whole of the pension ought to have been retained, if any was retained. He objected to it on another ground, that it ought to have been brought in earlier. He could not see why the present Duke of Marlborough should receive more than his father.

Mr. *Aglionby*, as a member of the committee, felt bound to state, that the hon. Member for Finsbury had completely mistaken the course adopted by that com-

mittee. In that committee the question, whether the claimant was a peer, or the meanest subject in the realm, was not taken into consideration. The hon. Member was entirely in error as to the votes of that House, which had never denied the right of the Duke with respect to the 1*s.* 6*d.* duty. When he went into the committee, from all that he had heard in that House, he had a bias in his mind against the claims of the noble Duke; but after the arguments that were adduced before that committee, and the further evidence that had been brought forward, his opinion was entirely changed, and he now believed that the Duke had a just and equitable claim to be relieved from the 1*s.* 6*d.* duty, but his opinion with respect to the 4*s.* duty remained the same. He hoped, therefore, the bill would meet with the unanimous concurrence of the House, because the recommendations of the committee had on every point been unanimous. He must say, that it was not fair of the hon. Member for Finsbury to put the question on the ground of the claims of the high station of the Duke of Marlborough, because it had never been brought forward or supported in the committee on such grounds.

Mr. *Brotherton* said, whatever defence was attempted to be made, there was no doubt the bill would be an increase of the pension of the Duke of Marlborough, who had for thirty years acquiesced in the deduction. If any of the relations of sailors or soldiers applied for pensions after such a period, they were told it was too late—the books were closed. Why should not the same principle be applicable to all?

The House divided on the original question.—Ayes 48; Noes 5: Majority 43.

List of the AYES.

Adam, Admiral	Grimsditch, T.
Aglionby, H. A.	Hawes, B.
Baring, F. T.	Hobhouse, T. B.
Bernal, R.	Hodges, T. L.
Broadley, H.	Hodgson, R.
Callaghan, D.	Hoskins, K.
Campbell, Sir J.	Howard, P. H.
Chichester, J. P. B.	Loch, J.
Cowper, hon. W. F.	Lowther, J. H.
Dalmeny, Lord	Lushington, C.
Divett, E.	Lygon, hon. General
Eliot, Lord	Meynell, Captain
Ellis, J.	Morpeth, Viscount
Ewart, W.	Morris, D.
Freshfield, J. W.	O'Connell, M. J.
Gordon, R.	O'Ferrall, R. M.
Grey, rt. hon. Sir C.	Parker, J.

Parker, R. T.	Sanford, E. A.
Pechell, Captain	Smith, R. V.
Pigot, D. R.	Stock, Dr.
Price, Sir R.	Townley, R. G.
Pryme, G.	Wood, C.
Redington, T. N.	
Rice, right hon. T. S.	TELLERS.
Rolfe, Sir R. M.	Stanley, E. J.
Rutherfurd, rt. hon. A.	Steuart, R.

List of the NOES.

Brotherton, J.	Vigors, N. A.
Duncombe, T.	TELLERS.
Finch, F.	Wakley, T.
Hector, C. J.	Hume, J.

COUNTY COUNCILS.] Mr. Hume moved the resumption of the adjourned debate on the County Councils Bill.

On the question being again put, that the bill be read a second time,

Mr. *Sandford* regretted that his hon. Friend persisted in introducing the bill. The only object he could have in view was, that it should be circulated during the prorogation; but this was done after the last Session, and the public opinion was strongly against the bill. The principle of the bill was nearly the same, and the machinery was of so cumbrous a nature, that it would be attended with the greatest inconvenience. He imagined that it was the wish of the hon. Member to give superintendence to the rate-payers, and in this desire he concurred; but the plan proposed was so burdensome, that it must necessarily fail in attaining its object. If the hon. Member had introduced the measure earlier in the Session, it might have been fully discussed. He could assure the hon. Member, that the feeling of the country was against the measure. It would be necessary to travel great distances, and to go to considerable expense, to exercise the franchise under this measure, and people were getting tired of going these distances to vote.

Mr. *Ewart* thought, as the hon. Member for Somersetshire approved of the principle of the bill, he ought to vote with the hon. Member for Kilkenny. If the machinery was complex, it could be amended in committee; and the hon. Member, as a country gentleman, was one of the best fitted for the purpose of suggesting these amendments. Seeing that the principle of the measure was admitted, it was unfair to reject the bill on details, particularly as the duties required were such as any country gentleman ought to be ready to execute.

Mr. *P. Howard* thought the proposition a very reasonable one. At present mea-

sures affecting counties seemed much longer being understood than in towns.

Sir *C. Burrell* considered it extraordinary that this measure should be introduced by Gentlemen who had objected to the Chancellor of the Exchequer bringing forward the Irish Bank Bill on account of the lateness of the Session. Taking the whole circumstances into consideration, he felt it to be his duty, if his hon. Friend, the Member for Somersetshire, divided on the subject, to vote with him.

Captain *Pechell* hoped the bill would be printed for the information of the public, as the time had now arrived when they were anxious to have some sort of control over the money that was raised from them. The principle had been recognised in the bill which had been introduced on a former occasion, and there could be no reasonable objection to its introduction. He knew not what machinery the hon. Member contemplated in his plan to give the rate-payers some control over the funds, but the system was one which the House must approve of, more especially at a time when the rates were increasing, and further demands were being constantly made upon the rate-payers. He hoped the House would allow the bill to be brought in.

Mr. *Hume* replied. The principle of representation and taxation which he contended for, was recognised in every municipal corporation in the kingdom, and the object of the bill was to extend that principle to counties. There were some objections urged on former occasions with regard to the frequent elections of the councils, and the appointment of auditors, which he had remedied in the present bill, and all he wanted was, that time should be given for properly discussing its merits. He hoped the bill would not be opposed; several had been introduced within the last month for the mere purpose of being printed, and why his bill should not be so, he did not know. If it were objected to, of course, he must submit, as in the then state of the House, it would be worse than useless to take a division, but he hoped the bill would be allowed to circulate throughout every county.

Mr. *T. Parker* was in duty bound to oppose the bill. In the county with which he was connected, the accounts were made up yearly, and the county was in general satisfied with them. He must oppose the introduction of the bill.

Mr. *Grimsditch* said, the title of the bill ought to be, a bill to establish county con-

fusion. He would give every opposition to the bill in his power.

Motion negatived.

AMERICAN MAIL CONTRACTS.] Mr. *Hume* rose to move for a copy of any contract or agreement entered into by the Board of Admiralty, or any other department of her Majesty's Government, respecting the conveyance of the mails to the West Indies and America, stating, whether the same has been agreed to by private contract or public tender; and stating, also, the terms or offers made by merchants of Bristol, or other parties, for the said contract.

Mr. *C. Wood* said, the only reason why he should object to the motion was, that it would be impossible for him to comply with it. He was ready, however, to make an explanation; and as that would probably answer the purpose of the hon. Gentleman, he would do so at once. The first contract in point of time was the one for the conveyance of mails to Halifax. The Government certainly had called for a public tender for the performance of that service. The lowest tender for the performance of that service once a month (and that was a very unsatisfactory tender with regard to the mode of carrying it out) was 45,000*l.* a-year, but the Government had entered into an engagement with an individual for the performance of the service once a fortnight at 50,000*l.*: so that, at an increase of 5,000*l.*, they would get twice the service done, including a communication with the *St. Lawrence*, and a conveyance from Halifax to Boston. In consequence of some further engagement, an additional expense was rendered necessary by the employment of another vessel. They had contracted for the conveyance of mails to Halifax once a fortnight; for the conveyance of mails from New Brunswick to Quebec once a fortnight as long as the river was open; and the conveyance of mails from Halifax to both, for the sum of 6,000*l.* a-year; so that, at an increase of 15,000*l.*, they had more than twice the service done for which the lowest tender was put in in this country, which was 45,000*l.* With regard to the conveyance of mails to the West Indies, no contract had been entered into. It was done by private tender. His conviction was, that neither in North America nor the West Indies would it be worth while for any one to undertake the service who had not, from their interest in the colonies, a much further interest in the performance

of the service than the mere sum paid by the Government. A number of gentlemen deeply interested in the welfare of the West India colonies had come forward, and offered to perform certain services for 240,000*l.*, and this had been agreed to. He would now detail the services performed. At present there was a communication by sailing-vessels twice a month to the West Indies, and once a month to Mexico. The communication with the West Indies was, therefore, imperfect, and the intercolonial communication was exceedingly bad. With all the foreign islands there was no communication at all. There was no communication between Havannah and the English islands, and the consequence was, that if the Governor of Honduras wished to write to the Governor of Jamaica, the letter must come round by England. If specie was wanted to be sent from Mexico to the West Indies, there was no mode of doing it, except by sending a ship of war for the purpose, nor was there any communication to be depended upon between the West Indies and the United States of America. These deficiencies would now be supplied in the following manner:—Two steamers of 400-horse power each would cross the Atlantic every fortnight to the West Indies; from these, branch steamers of a similar power would go to the different islands; steamers would likewise proceed to the different colonies of Guiana, Demerara, and Berbice, to the Caraccas, to Panama, to Honduras, to the Havannah, to Vera Cruz, and the south-western parts of the United States. In addition to this, steamers would proceed from the Havannah to New York and Halifax. The number of steamers to be employed would amount to fourteen, and by this means a fortnightly communication would be opened between this country and the whole of the West Indies, the northern part of South America, the southern parts of the United States, Mexico, and the western coast of the South American Continent. This would be carried into effect early in the summer of 1841, which was as soon as the necessary arrangements could be effected. With respect to the terms, the more he looked at them the more he was satisfied with the arrangements that had been entered into, more particularly when he considered the enormous expense of providing these boats, and of sending out coals from this country. He could assure the House, that no other propositions had been made to the Government by any party. It

was true, the terms of this arrangement had been made for ten years, as persons expending such a capital could not enter into any contract for a less term; but it had been an article in the contract, that, if during the ten years any great improvements should be made in steam navigation, the Government should have the benefit of them.

Mr. *Hume* wished to ask, if any prospectuses had been issued, setting forth the duties to be performed, and calling for tenders; and also whether the hon. Gentleman was able to state if the parties were now in a condition to carry their agreement into effect, or if it would be necessary even now to form a company for that purpose?

Mr. *C. Wood* was understood to say that no prospectuses had been issued. He had no hope of a better tender. Considering, too, that the parties would have to build at least fourteen steam-vessels of four hundred horse-power, it could not be expected that they would be able to commence for some months.

The *Solicitor-General* said, the subject was of the deepest interest to his constituents; and there were one or two points to which he wished to call the attention of his hon. Friend. He could not claim on behalf of those whom he had the honour to represent, that the consideration of their interests should weigh with the Government or with the House, to induce them to forego the advantages of steam, if steam were (as he believed it was) more expeditious for the transmission of correspondence than sailing vessels. But even on this point he begged it to be recollected, that the packet service, being a branch of our naval establishment, presented a laudable object of ambition to those desirous of entering the navy, and who might otherwise be unemployed; thus was it a nursery for British seamen, and answered ends which would not be effected by a contract system. Supposing, however, that the Government had taken an unalterable resolve, he yet would especially entreat them—they might believe it was with no ill-will he did so—to make the change with the least possible injury to a port which had been for a hundred and fifty years the port of communication across the Atlantic;—with the least possible injury to the—he would not say vested rights—but the valuable interests of those who had laid out large capital in extensive establishments at Falmouth. And what he suggested was, that it should be made a part of the contract—as to a certain

extent he trusted he might say it had been—that the establishment must to some degree be fixed at Falmouth. He said this, because he believed it was admitted, that there was no port in the United Kingdom from which vessels could start so advantageously for the stations across the Atlantic as Falmouth, there being no wind with which vessels could not sail thence. Another consideration, in which the public were interested, was this:—The letters that went from Falmouth came partly from London; but that was not the greatest proportion—the greatest proportion came from the north, from Glasgow and Ireland; and unless the letters were taken in at some of the western ports they would be delayed. Unless, therefore, these packets were bound by their contract to take in letters at the extreme ports there would be great delay. What he was now stating was not chimerical, for during the last three or four weeks no less than three packets had been delayed sixty-seven hours, in consequence of not being stationed at Falmouth. He trusted, in conclusion, that the sense of the House would be manifested in favour of his view of the case, in order that his hon. Friend might see the propriety of adopting it, which, it was his belief, would be agreeable to his hon. Friend.

Mr. *F. Baring* hoped the House would express no opinion with respect to the propriety of placing the packet station at Falmouth, or elsewhere. If he was in the situation of his hon. Friend, standing up in that House as the advocate of his constituents, he should advocate the station being at Portsmouth. The Treasury were determined to fix upon the place for a packet station which was most beneficial to the public service, and not to consider the interests of any parties in particular. He had great gratification in reflecting that, while his noble Friend was at the head of the Treasury, the Government, in conjunction with the Admiralty, had been able to confer the greatest advantages upon the commerce of the country with the world, by the increased facilities it had afforded to trade. During the last few years a weekly communication by steam had been established with Gibraltar—a fortnightly communication with the Baltic—a fortnightly communication with Corfu and the Grecian Islands—a steam communication between England and India—a fortnightly communication between England and North America; and now they had secured, by the last arrangement, a fortnightly steam

communication between the West Indies, Mexico, and this country, which was of the greatest importance in the present state of their colonial possessions. He could not but believe that these arrangements would be productive of great ultimate benefit to the commerce of the country, and that, whatever expense might be incurred in obtaining them, the benefit would far surpass that expense.

Mr. *Freshfield* was glad the hon. Member for Kilkenny had brought the subject before the House, and he was most anxious to see the contract or *quasi* contract laid before Parliament. He doubted much whether the strong feeling that was stated to exist on the subject of increased facilities to communication by steam, had ever found its way to a Government office, except through the medium of some great names appearing in a prospectus, and suggesting the wide field of enterprise, and enormous advantages that would accrue to the public from the adoption of their plans. Was it part of the contract that the company was to have a charter—were they to have that which was generally thought in old times to be a clog upon trade? Did that form part of the contract? It must; for the contract could not be carried into effect without it. He was most anxious to see the *quasi* contract, in order to know whether proper arrangements had been made with respect to the ports of departure. It was not a question of Falmouth, except so far as the interests of that port were connected with the interests of the public: but every presumption was in favour of Falmouth. It was in possession of the trade, and had been for a century; and he challenged a public inquiry into the capabilities of Falmouth as compared with any other port. If there was to be an alteration in the point of departure, it ought to be after a full investigation of the subject, and hearing evidence *pro* and *con*. Every information ought to be given on the subject, and it ought not to be made to depend on the activity of any hon. Member in getting official information. He did not know what information the hon. Member for Kilkenny might have on the subject; but in the *Falmouth Packet* there was a report of a meeting of merchants at Bristol, at which it was resolved that an offer should be made to the Government to convey the mails to and from the West Indies for 100,000*l.* less than had been offered by the London company, which was understood to be 240,000*l.* It appeared to have created

great astonishment that so precipitate a step should have been taken by the Government, and the country at large should not have been informed of their intention. He was surprised that a contract should have taken place without the public being placed in a situation to bid against each other. Formerly, the packet service was in private hands, and the Government transferred it to the Admiralty, and he saw no reason why it should not be retained by the Government, who ought certainly to be able to perform the duties as cheaply as any company. If any alteration was to be made in the ports of departure, an opportunity ought to be given for examining into the reason for such changes.

Lord *Eliot* was ready to concede, that the public interests ought to be the object which the Government should have in view, but the value of Falmouth had been underrated, and if the establishment there should be destroyed, we might, in the event of war, find ourselves in a situation of great difficulty. He thought the substitution of steam for sailing vessels was a great advantage, and the question was, whether the Government had secured this in the most efficient and economical manner? It appeared that a company of merchants at Bristol were ready to undertake the arrangement on more economical terms; and he also understood that a sum had been offered for the bargain which had been struck with the Government. It was proposed that the packets should take their departure twice a month. That was at the same period as the sailing-packets, and therefore the transmission of letters would not be oftener than at present. But this company was to have a monopoly for ten years at 240,000*l.* a-year; so that, whatever improvement might be made, the expense to the country would be exactly the same. There was, also, another consideration. Great inconvenience would accrue to merchants desirous of shipping specie, because it was well known that merchants preferred shipping specie on board a man-of-war, to entrusting to private individuals; therefore the merchants would be entirely in the hands of this company, or would be obliged to wait for the accidental arrival of a man-of-war. The services of a very great number of officers and seamen would be dispensed with, and that was a matter worthy of serious consideration, more especially as to the expense, because all these officers would have to be placed upon half-pay, or be provided for by

some other method. It was also a matter of the utmost consequence that they should consider whether they would not by this plan be destroying the nursery for the navy. He agreed with the hon. Member for Falmouth in opinion that the Government had by no means established a case.

Mr. *Aglionby* was anxious to know, whether the Secretary to the Admiralty intended to grant this return or not?

Mr. *C. Wood*—Certainly not.

Mr. *Aglionby* understood as much, and therefore the groundwork of the argument of the hon. Member for Kilkenny was cut away. It was said to be impossible to grant these returns. He should like to know in what the impossibility consisted. If any contract was in existence it could be produced, and if no such contract existed, it was easy to state so. If no offers had been made, where was the difficulty of stating so? It had been stated by the hon. Member for Penryn, that an offer had been made to carry the mails for 100,000*l.* a-year less than the sum agreed to be given by the Government. Now, this would be a saving of 1,000,000*l.* in the ten years, which was worthy of consideration. There had been no public notification either by advertisement or otherwise to the mercantile interest, until the matter accidentally transpired. It did not appear, then, that there had been any efficient public notice, which there ought to have been before the country was committed to a ten years bargain, and to a sum of money much less than which, he believed, even for a shorter period, would have been sufficient.

Lord *Eliot* said, the Falmouth deputation who had waited on the Treasury, not only were previously ignorant of any such contract being in contemplation, but they also left the Treasury equally in the dark.

Mr. *C. Wood* thought his hon. Friend the Member for Cockermouth could not have listened to what he had stated, which was distinctly, first, that the contract was just as he had represented it to the House, next, that it was not a private, but a public tender, and thirdly, that no other offer had been made. With respect to the question of the hon. Member opposite (Mr. *Freshfield*), all he had to say was, that the Government had reserved to themselves the right of naming the port from which the vessels were to start. With respect to the complaint, that the arrangement had been effected by private contract, he would observe, that in every instance where public tenders had been invited by the Govern-

ment, they had generally failed, and Government had always succeeded in making much better terms by private contract. As an instance of that, when it was proposed to carry the mail to Rotterdam, public tenders were asked for, and only one was received, and that of such a character that the Government felt bound to decline it. So with respect to Cadiz, Liverpool, Dublin, and Halifax, in all of which cases the Government had made much better terms by private contract. He believed, that the present bargain was an extremely good one for the Government and the public. It remained for the House to say whether, under all the circumstances, the bargain was a fair one or not.

Captain *Pechell*, said the hon. Gentleman had objected to giving a copy of the contract for the conveyance of the West India mails, on the ground of its being incomplete; but no such objection could apply to the contract with Halifax, because in a Nova Scotia paper he had seen a vote of thanks to the agent, Mr. *Cugard*, on the ground of his having made so good a bargain with the English Government. He thought, that great caution should be used with respect to the doing away with the establishment at Falmouth, as it had always been a most excellent nursery for our seamen. He begged to ask, too, how the mail was to be carried from Halifax to Boston. [Mr. *C. Wood*—By steam.] That was so far satisfactory; but it was very important to know what the means of communication were to be between England and our frontier colony of Bermuda. He trusted these questions would be answered to the satisfaction of the House and the country.

Mr. *G. Palmer* thought, the Government could not be too open in their dealings with respect to all matters of contract, and deprecated the encouragement of steam-vessels, which he considered destroyed nurseries for seamen.

Admiral *Adam* said, that the steamers would carry almost as many seamen as the packets used to do. But he would ask was it nothing for this country to have an immense force of large steam-vessels, so that, if a war were to break out tomorrow, we could at once arm and man them for the purpose of protecting our commerce, not only in the channel but all over the world? He knew there were at present a great many objections to steam-vessels, but time and experience would overcome them.

Mr. *Hume* wished, before the question was disposed of, to make one or two observations. He admitted, that he had been ignorant of the facts stated by the hon. Gentleman (Mr. Wood), but he did not think the Admiralty or the Government had the power of binding this country to contracts for ten years. Hitherto there had always been an annual vote for the expenses of the packets. He would venture to say, that never had there been 2,400,000*l.* disposed of by one branch of the Government without the knowledge of Parliament. The contract appeared to him to be a most monstrous proposition. He trusted the Government would pause before they placed themselves in a situation from which they could not retire, for he was quite sure Parliament would not sanction a thing of this sort being done privately. If they had power to dispose of this sum, why should they not have the power to dispose of 20,000,000*l.*? If they were able to make a contract of this nature for ten years, why not for fifty? In fact, they might bind down the whole expenditure of the country. If there was any objection to the form of the motion, he would alter it in any way which might be pointed out.

Mr. *F. Baring* said, the returns would not answer the purpose of the hon. Member; he had better move for the whole of the correspondence. The Government had been repeatedly urged by parties in that House to perform this service by contract, and the moment they did so their powers were doubted. This struck him as most extraordinary; it was of great importance that this question should be settled, both out of fairness to the Government and to the parties interested. The hon. Gentleman had better give notice of a motion for suspending the contracts at once.

Mr. *Hume* said, that would be hardly fair towards him. He had always been friendly to a plan for executing these duties by contract, and as to the question of power, the Attorney-general was the proper person to apply to. He had no wish to move for the correspondence, but he would advise the Government to pause.

Mr. *C. Wood* said, it would be impossible to give the hon. Gentleman more information on the subject than he had already given him. If next Session he chose to move for every scrap of paper connected with the subject, he should have no objection to furnish him with them.

Motion agreed to.

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HOUSE OF LORDS,

Thursday, August 22, 1839.

MINUTES.] Bills. Read a second time:—Bankrupts (Ireland); Administration of Justice (Parts of Counties); Exchequer Bills; Consolidated Fund.—Read a third time:—Metropolis Improvement.

Petitions presented. By the Marquess of Bute, from Ayr, for Parochial Education; also for Church Extension; from several places, against Intruding Ministers into Parishes against the Wishes of the People.—By Lord Brougham, from Prisoners in Monmouth Goal, against the Injustice of their Sentence.

COLONEL BRADLEY.] Lord *Brougham* presented a petition from Mr. Thomas Bradley, late lieutenant-colonel of his late Majesty's 2nd West-India regiment of foot, in which the petitioner went over the whole of the dispute which had occurred between him and Sir George Arthur, and which has been before the public repeatedly for several years past. The petitioner complained of the injustice under which he had so long suffered, and concluded his statement in these words:—

"It must be evident to your Lordships, from your Lordships from the above statement, that your petitioner has been deprived of his commission without trial, and without having been guilty of any military offence whatever; and your petitioner, therefore, humbly prays that he may not be deprived of the ordinary privilege of a British subject, but that your Lordships will at least enquire for what reason he has been stripped of his commission, after twenty years of arduous service in the West-Indies and America."

After adverting to the facts of the case, the noble and learned Lord said he was greatly astonished that any difficulty should stand in the way of justice being done to this injured gentleman by restoring him to his rank in the service. Even if Mr. Bradley had acted erroneously (which, in his opinion, was not the case), he had, assuredly, suffered quite enough. He had suffered a long imprisonment in a most unwholesome climate; he had been ousted from the service; he had been deprived of his commission, and had suffered a pecuniary loss of 1,900*l.* It was a case of very great hardship, and he hoped, that his noble Friend, at the head of the Executive Government, would take it into serious consideration.

The Duke of *Wellington* said, that as a commission of which he was a member, was now sitting, and had been sitting for a considerable time, before which, cases of this nature might be heard, he did not wish to offer any opinion on this petition. The noble and learned Lord had not stated that

her Majesty's permission had been asked, and had been given, for the consideration of this subject. He, therefore, recommended to the noble and learned Lord to withdraw the petition to give the noble Viscount an opportunity of judging whether it would be proper to advise her Majesty, that she should assent to its being considered.

Viscount *Melbourne* said, it was the practice of the other House to refer to the Crown in cases of this nature, but he was not aware, that such was the practice of their Lordships' House.

Lord *Brougham* said, they might receive a petition for inquiry into malversation, military or civil, if it did not involve an application for money.

The Duke of *Wellington* said, he felt no hostility towards the petitioner; but they ought to take care that the rules which were usually followed with reference to questions of this nature should be properly adhered to. He was anxious that the circumstances should be inquired into in the most indulgent manner.

Lord *Brougham*, after what had been said by the noble Duke, would withdraw the petition. By doing so, he distinctly marked his opinion, that to petition Parliament on such a subject was the very last step that ought to be taken.

Petition withdrawn.

CHARTIST PRISONERS.] Lord *Brougham* had also a petition to present from Henry Vincent, W. Edwards, and J. Dickinson, complaining of the hardships under which they still suffered, during their confinement. They stated, that they were only allowed the gaol diet — 2 qts. of gruel, 1½lb. of bread, and 1lb. of potatoes daily, and they called on their Lordships to relieve them from this hardship, by which they were deprived of all animal food whatever. Mr. Baron Alderson, they said, who tried them, expressed it as his opinion, by a letter to the Home Secretary, that they should not be subjected to any unusual deprivations; and yet they were denied the use of pen, ink, and paper. They further alleged, that their object in attending the meeting (for their speeches at which they were convicted) was the discussion of the People's Charter; and that they were perfectly justified in their conduct by the best constitutional authorities, both ancient and modern. He (Lord *Brougham*) thought they were right in this opinion, for it was sanctioned not only by the best writers on the constitu-

tion, but by a noble Friend of his in another House, who, not in his place certainly, but by an address to what he presumed was a constitutional meeting, maintained the right of the subject to meet for the free discussion of political questions. This view was confirmed by another high constitutional authority — his noble Friend, the President of the Council, who, though not now in his place (for he had gone abroad) had declared, in that place, in the most strenuous manner, and with a vehemence of language which he never heard exceeded — seldom equalled — that it was the right and duty of the people to attend public meetings, in order to complain of their grievances; and then his noble Friend broached an opinion — from which he (Lord *Brougham*) differed, by not going so far — that numbers were no test of the illegality of a meeting. He preferred abiding by the sounder doctrine of the Secretary of State, who watched over the police and peace of the kingdom, when his noble Friend said, that all lawful meetings were legal; or, in other words, that it was the right of the people to attend meetings which did not break the peace, or put the peace in jeopardy. The petitioners, backed by such authorities, naturally expressed their surprise, that the attempt to violate this right, ("one of the most important," in the language of the President of the Council, "which the subject enjoyed") should be made by her Majesty's present advisers, who were the active promoters of, and principal actors in the public meetings of 1831 and 1832, of a far more alarming character than those for their attendance at which they had been confined. They could not allude to him, for he had pronounced the meeting of 150,000 men at Birmingham illegal. He did not know whether his noble Friend attended any such meetings. [Lord *Melbourne*: No.] He supposed, then, that such practices were confined to the Members of the other House.

Viscount *Melbourne* said, that he understood these parties were subjected to the same regulations as all other prisoners in the same ward. Whether those regulations were proper or not was a distinct question; but he did not see any reason why there should be any extraordinary interposition in favour of these petitioners.

Petition laid on the Table.

BOLTON POLICE.] Viscount *Duncannon* moved the Order of the Day for a Com-

mittee on the Bolton Police Bill. If their Lordships consented to go into Committee, he would then move a clause empowering the Commissioners to extend the advantages of the police force to be established by the bill, to that part of Little Bolton which was without the borough. With regard to the conduct of the mayor, which had been commented on by the noble and learned Lord opposite, an inquiry had been instituted by the Home Secretary. He had read every communication which had been received respecting the occurrences at Bolton; he had obtained, besides, all the information he could upon the subject; and he must say, that there did not appear to him anything in the conduct of the mayor which could not be approved of by the Government.

Lord Lyndhurst begged to observe, that that part of the force at present in Bolton which was appointed by the court-leet consisted of thirteen persons, and that there was besides a force of 40 constables. How they were chosen he was not aware, but they were regularly sworn in, and had existed for a period of thirty or forty years; so that, at this moment, they had this body of forty persons, in addition to those elected by the court-leet, and also the body of special constables which had been called into action by the mayor. What, then, did the noble Viscount propose to effect by this bill? It would establish a rate of 8*d.* in the pound; and supposing the noble Viscount to introduce the clause to which he referred, so as to render the whole of the rate-payers of that part of Little Bolton without the borough liable to that rate, the sum levied would not exceed 3,000*l.* After deducting the necessary expenses provided by the bill, there would be left for the police the sum of 1,560*l.* Now, if they were to be paid at the rate of 1*l.* per week, that sum would only raise a force of about thirty-two men, so that they were, in fact, abolishing a police force of a considerably greater number, as he had already shown, for the purpose of supplying a police force of thirty-two persons. What he had stated the other evening, with respect to the conduct of the mayor, had been communicated to him by letters from Bolton, the accuracy of which he had no reason to doubt, but as that subject was now under inquiry, he would say nothing more upon the subject. The question between them was this:—this Act would put an end to the operation of an existing police, and

substitute a force which he considered inadequate to preserve the peace of so populous a town as Bolton in case of riot. He made no opposition to the motion of the noble Viscount; but upon him and the Government must rest the responsibility.

Their Lordships went into Committee.

Some amendments were made, and the House resumed.

Bill to be reported.

HOUSE OF COMMONS,

Thursday, August 22, 1839.

MINUTES.] Petitions presented. By Mr. O'Connell, from Kerry, against Renewing the Bank of Ireland Charter.—By Mr. Sheil, from Louth, to the same effect.—By Mr. Ellis, from some place, for Papers relating to the late Riots at Birmingham.—By Mr. P. Thomson, from Stroud, for a Remission of the Post-horse Duty.—By Mr. Hume, from the Rational Religionists of Leeds, against the Imprisonment of George Connor; also from Prisoners in Monmouth Gaol, complaining of their Sentence.

MR. THOMAS.] Mr. Wakley presented a petition from Henry Cornelius Thomas, surgeon, of Camberwell, complaining of the illegal imprisonment of his brother, a surgeon, of the same place. As the petition referred to a case of personal grievance, and one which called for immediate redress, he trusted the House would indulge him with permission to relate the particulars. The brother of the petitioner, named Frederick Nicholas Somers Thomas, had been convicted it appeared, for stealing furniture from a house in Camberwell-grove. The case turned on a question entirely of identity, and the conviction of Mr. Thomas, depended on very loose and unsatisfactory testimony. None of the goods were traced to the possession of either of the prisoners. On the 13th of December, a Mr. Cook, another surgeon, stated that he had seen a report of a case in the newspapers, which he knew to be totally erroneous, for he was the party that took away the goods, and he was totally unacquainted with Mr. Thomas, whom he had never seen, and who knew nothing of the matter at all. Mr. Cook, and two persons in his employ, Skinner and Watts, removed the goods in September. They went to the house in the open day, and there was no concealment, and no attempt at concealment. Mr. Cook, feeling that he was entitled to take the goods that were assigned to him by his debtor, related these facts to the Home-office, and the Chairman of the Sessions; but, strange as it might appear, after Mr. Cook had sent to the Home-office a state-

ment to the effect that the goods were taken by him and not by Thomas, and that Thomas was altogether innocent of any offence, no redress was afforded. Mr. Thomas was sent to Chelmsford gaol in December last, and this prosecution had had such an effect upon his mind, that he had since been removed from that place, and was now in the felons' wing of Bethlem Hospital. Mr. Cook, with the most praiseworthy benevolence, had made every exertion in the power of man to endeavour to obtain the liberation of his innocent fellow-creature; but every effort had been unavailing. He had often reason to complain of the noble Lord, the Secretary for the Home Department, in reference to his politics; but he must say, that so far as the administration of justice was concerned, no minister ever deserved a higher character. He believed that noble Lord had always endeavoured to ascertain the truth of the facts of every case brought under his notice; and in defiance of every slander and every threat, whenever he discovered the truth, he acted manfully and boldly. That was the character which the noble Lord was entitled to as minister of justice, and as Secretary of State for the Home Department, and he was utterly at a loss to know, seeing the way in which the noble Lord always had acted, to comprehend how it was, that the noble Lord's mind continued blind with reference to the facts of this case. He was afraid the noble Lord had been influenced by inferior persons, who, when they had fallen into an error, instead of looking at the merits of the case, and endeavouring to rectify that error, only sought to prove that it was no error, and that though all other persons might be wrong, they themselves must be right. All he wished was a fair, open, and candid investigation. He wished Mr. Thomas and his accuser, to be brought face to face. At the time the trial took place, Mr. Thomas knew nothing whatever of Mr. Cook. He was called on to prove a negative. A party swore that he was seen in the street, and Mr. Thomas could not prove that he was not. What had occurred since? Why, the sweep who swore on the trial that he had been hired by Mr. Thomas to get down the chimney, and open the door, had confessed with tears in his eyes, that he had been bribed, and that he was threatened, unless he gave the evidence he did, that he should be prosecuted for some offence he had committed. He had confessed that he swore

falsely. Mr. Thomas was incarcerated in a dungeon, he had become insane, and was now lodged in the felons' cell of one of the lunatic asylums of the metropolis. He pledged himself to prove the entire innocence of Mr. Thomas, and if he did not do so, he would never bring a similar case of grievance before the House again. Many of the documents and materials on which the prisoner's innocence rested, were at the Home-office, the petitioner could not get the papers back again, and was not allowed to take copies of them. He was anxious, having stated the case, to found a motion on it for an address to the Crown, praying her Majesty to direct a full and impartial investigation of the allegations contained in the petition, but as the noble Lord was not there, and as twenty-four hours' deliberation might be of service to the unfortunate man, he would postpone the motion. He trusted in the mean time, that the noble Lord would make some intimation to him that an inquiry would take place, and thereby render the motion unnecessary. Let the noble Lord refer the matter to some respectable barrister, who had given no opinion on the case, and there was some hope that that unfortunate individual, who had been now eight months incarcerated, would ultimately obtain his liberty.

Mr. *Hawes* said, there were some parts of the hon. Member's statement which required a little elucidation; and as he had taken some interest in the case, he would take the liberty of addressing a few observations to the House. He was bound to state his entire conviction of the complete innocence of Mr. Thomas. He made that statement, not upon his own conviction, but as the result of the professional investigation of two barristers of eminence, who had gratuitously given their services in the case. He would state further, that he had received from the noble Lord every possible attention; he had submitted every document to him, and yet, nevertheless, the noble Lord had somehow come to the conclusion, that he should not be justified in ordering the prisoner to be discharged. He could only account for that decision of the noble Lord by the circumstance, that from the multiplicity of his high and important duties, he was obliged to depend on the information of others; and he believed that proper investigation had not been made into this case by the authorities in the Home Department, because they had alleged that Mr. Cook was a person of bad character,

supposing him to be another person of the same name.

The *Chancellor of the Exchequer* could assure the hon. Gentleman who had presented the petition, that the only cause of the absence of the noble Lord was indisposition. He must admit that the hon. Gentleman had done full justice to the principles which had actuated his noble Friend. No doubt the notice that had been taken of the case in the House would have the attention of the Secretary of State, but whether that would produce a different result, he could not say. Whatever that result might be, he trusted the House would not undertake to review lightly the prerogative of the Crown in cases of the present nature. In conclusion, he begged to inform the hon. Member for Finsbury, that he would take care that what had occurred should be made known to his noble Friend.

Petition to lie on the Table.

OYSTER FISHERIES.] Viscount *Palmerston* having laid papers on the Table relative to the state of affairs between Mehemet Ali and the Porte, wished to say that a convention had been entered into between England and France, to settle all disputes relative to the fisheries, which had created so much anxiety to both countries. It was important to explain, that the individuals of each country would have the right of fishing within three miles of low-water mark, the boundary line between the two kingdoms; and commissioners had also been appointed for making regulations respecting trollers with the long line when they should meet on the sea between the two countries, and beyond the three miles line of either coast. The commissioners were to draw up regulations to be approved by each Government, by whom they were respectively to receive the force of law. As the Session was drawing to a close, and it was likely that the commissioners would conclude their labours before Parliament met again, it was desirable to obtain from Parliament a temporary power to give effect to those regulations in the meantime, by an Order in Council approving of such regulations as might be agreed on by the commissioners.

TURKEY AND EGYPT.] Mr. *Hume* begged to inquire of the noble Lord whether the statements were true, that arrangements had been entered into by the five great European Powers upon a basis calculated to preserve the peace of the East?

Viscount *Palmerston* was glad that the hon. Member had put the question, because it afforded him the opportunity of making a statement which he felt assured would be satisfactory to the House. On the 28th of last month a note was presented to the ministers of the Porte, signed by the representatives of the five Powers, technically called a "collective note," which note said that they (the representatives) were instructed by their several governments to inform the Porte that the five Powers were agreed generally as to the affairs now pending between Turkey and Egypt; and that they were instructed to request the the Porte to suspend any negotiations with Mehemet Ali, and not to proceed therein without the knowledge and concurrence of the five Powers. That note was received by the government of the Porte with great thankfulness; therefore, the House might rest assured, that nothing would be done to lead to a disturbance of the peace of the East, unless some new subject should arise, of which at present there was no prospect whatever.

FUNDING OF EXCHEQUER BILLS.] The *Chancellor of the Exchequer*, in moving the committal of the Exchequer Bills Funding Bill, felt called upon, in consequence of the question put to him last evening by the hon. Member for Kilkenny, and, irrespective of that question, from a sense of public duty, to state distinctly to the House what had been the result of the steps he had taken with respect to the funding of Exchequer bills. Undoubtedly, in adopting, for the first time, the course which he had adopted, that of inviting public competition, he felt that no common degree of responsibility attached to him. If the matter had failed, he felt that the whole blame would have been cast upon the Government, of which he was the responsible organ; and the failure would have been connected with the having adopted a new course. But he felt so satisfied that the principle upon which he was disposed to act was in itself right, and that it was expedient that the experiment should be tried, with the view of following it out upon any future occasion when the funding of Exchequer bills might be necessary, that he did not hesitate to take upon himself the responsibility of acting upon it. That responsibility would have been materially increased if the experiment had failed, because he had been forewarned by many Members of that House that it could not succeed. The

result, however, showed that his own anticipations were correct; and when he concluded the short statement he had now to offer, he thought the House would agree with him, that the course he had pursued was in every respect the best that could be adopted. He wished, before he proceeded further, before he entered into any explanation, to disclaim on his own part, and on the part of the Government, any credit for the result of the experiment. If the matter rested merely with himself, or with the Government, he should leave the public to draw their own conclusions from the facts before them; but as it was in vindication of a great and important principle in financial matters, he trusted the House would indulge him whilst he explained to them what the result of the experiment had been. He was anxious to do this, not for the purpose of proving that he was right and his opponents wrong, but for the sake of showing that the principle which he had adopted was a sound and legitimate one. The House was aware, that the amount of Exchequer bills proposed to be funded was £4,000,000. The House was also aware, that of that sum half a million was taken at once by the Bank of England. There then remained 3,500,000. to be provided for. The subscriptions for that purpose were opened on the 19th of August, and on that day 694,000. were subscribed for. The following day, the 20th, was a very gloomy and rainy day, and it not unfrequently happened that the state of the barometer and the appearances of the weather had a very material influence upon large pecuniary transactions in the city. On that gloomy day the subscriptions looked as gloomy as the weather—they fell with the mercury—the amount subscribed for was only 118,500. The 21st of August was more cheering—a fresher spirit inspired the market—the amount subscribed for was 736,000. And on this day, not being the close of the subscriptions, because they will still be open to-morrow, whether owing to the fineness of the weather, or to any other atmospheric cause, the amount subscribed for has been 1,672,500.; showing a total already subscribed for, under the new principle, of 3,721,000. of Exchequer bills, and leaving only a sum of 279,000. to be subscribed for. He, therefore, now felt entirely warranted in congratulating the House, that, in adopting a sound and just principle, the success of the experiment had fully justified the risk run by the Government. He might also congratulate

the House upon the terms on which these subscriptions had been effected. It was not merely the saving of money; but when the House recollected that the transaction was undertaken at a period when the interest of money was very high—when the interest on the part of the Bank of England had been raised, and when money loans in the City had been raised to a most extraordinary, and, he, believed, most unprecedented height—when these circumstances were remembered, he thought the House would agree with him, that there never was an instance of any financial operation which brought to so severe a test the public credit of the country. Notwithstanding the disadvantages to which he had adverted, this funding of 4,000,000. of Exchequer bills had been completed—for completed he considered it to be—at a rate of interest which might amount to about 3*l.* 6*s.* per cent. He would venture to say, that there was scarcely a Gentleman whom he had the honour of addressing who would, *a priori*, have anticipated so favourable a result. That result was to be considered, not on economical grounds only, but as affording the best possible test of the unimpaired credit of the country. Before he sat down, he wished for a moment to advert to what he had previously remarked upon, the subject of the unfunded debt. He had stated, at an early period, what were his anticipations with respect to the whole of the unfunded debt. Those anticipations had been more than realized. Comparing the year 1836 with the year 1839, he found, that in that period no less a reduction would have been effected in the amount of the unfunded debt of the country than 9,650,000. That reduction had been carried into effect almost imperceptibly, and without any inconvenient pressure upon the money-market, because he had the satisfaction of seeing that the price of Consols, though high, stood pretty nearly the same as it did before. He only prayed the House to compare this result with that which would have been inevitable, if he had acted upon the recommendation so strongly pressed upon him by some Members of the House—namely, to raise a money loan for 4,000,000., for the purpose of applying the money to buying Exchequer bills. He was quite sure that the public would have been losers if that recommendation had been acted upon, and that the money-market would have been subjected to great inconvenience. In going into committee on the present occasion, his object would be to in-

sert three clauses to carry into execution the three resolutions he had moved on a former evening.

Mr. *Hume* wished to know, what would be the amount added to the permanent debt of the country by this operation; and what was the amount of Exchequer bills, issued for public works, now outstanding? He also wished to know, what amount of Exchequer bills the Chancellor of the Exchequer proposed to issue, in order to make good the deficiency of revenue in the present year?

The *Chancellor of the Exchequer* said, if the hon. Gentleman would put his questions on paper, he should be prepared to state distinctly the information required. He (the Chancellor of the Exchequer) had now with him a statement, which would afford a considerable part of the information the hon. Gentleman sought to obtain; but he should prefer giving his answer in a complete manner. With regard to Exchequer bills issued on account of public works, he believed the amount of them now outstanding was about 400,000*l.*, but he had not an exact return. As to the issues on account of the Public Works (Ireland) Bill, he had stated, that, at the commencement, the bills amounted to 328,000*l.*; but that amount, to the 5th of April, was reduced to 195,000*l.*; and he believed it had been further reduced since.

House in Committee; clauses added.

House resumed. The report to be received to-morrow.

DUKE OF MARLBOROUGH'S PENSION.] The Chancellor of the Exchequer moved that the Duke of Marlborough's Pension Bill be read a third time.

Mr. Wakley moved that the House be counted.

House counted out.

HOUSE OF LORDS,

Friday, August 23, 1839.

MINUTES.] Bills. Read a first time t—Duke of Marlborough's Pension.—Read a third time t—Manchester Police; Bastardy; Corporate Property (Ireland); London Bridge Approaches; County and District Constables.

BOLTON POLICE.] Viscount *Duncannon* moved, that the report of the Bolton Police Bill be received. He could not comply with the wish of the noble and learned Lord (*Lyndhurst*), and give up this bill. In consequence of the observations which had been made respecting him, the mayor of

Bolton had come to town and stated to him (*Lord Duncannon*), that the noble and learned Lord had been misinformed in several particulars. The mayor stated in a petition which he had committed to his charge, that the only available constables at present were seven, elected under the Court Leet; that, with respect to the body of forty constables, no such force was known; and that there was no mode of paying the police, but out of the poor-rate: that some constables had, for several years, been paid out of the poor-rate, but that, last year, the accounts were disallowed on presentment, and those who served for the last six months were without any pay. The only police force that remained, was the seven manorial constables, who were not competent to preserve the peace of the town.

Lord *Lyndhurst*: What is to prevent a police force from being supported by voluntary contribution, as it has been hitherto?

Viscount *Duncannon*: Why this; that the inhabitants were willing to pay a police force voluntarily while the question concerning their charter was pending; but as it appeared, that a decision could not be expected for a considerable time, it was not fair that they should be visited with such a charge. The noble and learned Lord had stated, that 2,400*l.* was applicable to the purposes of police under a local act; but this petition alleged, that it had never been applied to such a purpose, and had been lodged to the Bolton-moor Trust account. It was farther stated, that a rate of 8*d.* in the pound would produce 4,600*l.* a-year, for the maintenance of this body, and that, with the exception of the seven manorial constables already mentioned, the whole police force consisted of 800 men, appointed as special constables by the council, and supported entirely by voluntary contribution. The mayor then stated, that he had observed, with great concern and surprise, a published report of a statement, uttered with respect to him, and which charged him with swearing in Chartists as special constables, with petitioning the boroughreeve and constables of Bolton, to hold a Chartist meeting, and with not applying to the military commander in proper time for a sufficient force to quell disturbance. In answer to these allegations, this gentleman stated, that he had always entertained and avowed principles favourable to an extension of the suffrage; but that since his election as mayor, he had never directly nor indirectly mixed in politics. He had not

knowingly sworn in any Chartist as a special constable, with the exception of one person, who gave as a reason for not serving, that he was a Chartist. This person was in the employment of Mr. Bolling, the Conservative Member of the town. That, in order to avoid any partiality as to the persons sworn in as special constables, he took the 10*l.* franchise as his guide for the selection of those to be so employed. He had not (he said further) signed any petition to the boroughreeve of Bolton, to call a meeting for the purpose of considering the propriety of the inhabitants forming a procession to Kersal-moor. On the contrary, he positively refused to do so, and the other requisitionists placarded the fact of his refusal. That he had used the utmost vigour and promptitude in suppressing the recent riot in the town of Bolton; that he gave the military commander the earliest notice possible of the outbreak; that the statement was wholly unfounded that the town was in the possession of the rioters for three days, and that the petitioner was most anxious that a thorough investigation should take place. Under these circumstances, he (Lord Duncannon) meant to go on with the bill, and to introduce an amendment as to Little Bolton.

Lord *Lyndhurst*: It was very possible that he might have mis-stated the precise meeting which this gentleman wished to have convened, but he was confident, from the correctness of his informant, that he signed a requisition, requiring the boroughreeve to assemble a meeting for some purpose analogous to what he had stated. This gentleman did not say, that he did not attend such a meeting of Chartists, that he was not present when the resolution was proposed, and that he did not second the resolution. The whole of these statements he passed over, and he had no disposition whatever to continue this discussion, particularly as an enquiry was about to be instituted into the conduct of this gentleman, when each side could be heard. He now came to ask what was to become of the present special constables? They could not be continued under this Act, which levied a rate amounting, he still maintained, to only 2,200*l.*, which would give a force of about thirty men—a body wholly incompetent to maintain the peace of the town, when deprived of the power of calling in the aid of the military. As to including Little Bolton, that was done by a taxing clause inserted by that House, and, therefore, a violation of the privileges of the

House of Commons. Besides, Little Bolton paid a tax as part of the county for this purpose, and it was most unjust to compel it also to contribute to the support of the force belonging to the town.

The Duke of *Wellington* did not think it very proper in that House to sanction such a clause, so directly trenching upon the privileges of the Commons.

Lord *Brougham* reminded his noble and learned Friend, and the noble Duke, that the question of privilege was not one for them to consider. "*Non est hujusce loci.*" They maintained that the House of Commons had no such exclusive privilege of taxation. And from his experience of that House, he could say, that, like the qualities of some persons in private life, they could pocket their privileges as easily as possible when it suited a purpose.

Viscount *Duncannon*: If the clause was of the nature described, he should consider it a fatal objection; but he did not believe that it would raise the question of privilege.

Report was received.

BUSINESS OF THE SESSION.] Lord *Lyndhurst* spoke to the following effect:—I am anxious, my Lords, to call your attention, in pursuance of the notice I gave yesterday, to the proceedings of the two Houses of Parliament during the present Session. As far as I am personally concerned, the task is by no means an agreeable one; but I have undertaken it as a duty—in some sort, as a duty to the noble Viscount (Melbourne), and partly also in pursuance of an intimation which I received from him at a former period of the Session. Your Lordships may, perhaps, recollect, that when the Irish Municipal Bill was under discussion, I stated in considerable detail the circumstances attending the tardy and heavy progress of that Bill through the other House of Parliament. The noble Viscount, on a subsequent day, with reference to that statement, and also to some similar remarks made by my noble and learned Friend opposite (Lord Brougham), said that this was an unfair course of observation; that I ought to have considered, not that particular case alone, but to have taken into account the general proceedings and measures of the Government. My Lords, I felt the propriety of the observation made by the noble Viscount; and I shall, therefore, in pursuance of that intimation, in

* From a corrected Report,

justice to the subject, and in justice to the noble Viscount himself, call your Lordships' attention to the entire proceedings of the present Session of Parliament, in order that when the case is fairly before you, stated with plainness and simplicity on my part, your Lordships may be in a condition to judge how far her Majesty's Ministers are entitled to your confidence—how far they can be considered as capable of conducting the affairs of this country, in a manner suitable to the interests of this extensive and mighty empire. My Lords, in directing your attention to this subject, there is one thing that is very remarkable. Your Lordships will find, that during the five first months of the Session, not a single bill of any importance passed the two Houses of Parliament. Legislation was a perfect blank. It seems that her Majesty's Ministers, either from want of energy or capacity, or from not possessing the confidence of the other House of Parliament, are, while that House can be considered as fairly representing the country, incapable of dealing with it and conducting the business of the Government. It is not until the benches of the House have become empty, not until 550 Members, as we are told, have quitted the metropolis, and the House is reduced to such a state as to be little more than a mere Government board, that they are roused from their supineness, or able to conduct in any manner the legislation of the country. This, my Lords, is a striking illustration of the correctness of the anticipation of my noble Friend, the noble Duke, when he asked, at a former period, with reference to a House of Commons composed like the present—How is the King's Government to be carried on? The anticipation of the noble Duke has been amply verified by the result; for as long as the House of Commons continues to be a House of Commons, and to form the representation of the country, it appears the Queen's Government cannot be carried on; and it is not until it ceases to assume that shape, that any thing like legislation can be conducted through that House by her Majesty's Ministers. My Lords, I consider the fair and just mode of examining the subject I am about to submit to your Lordships, is to refer, in the first instance, to her Majesty's gracious Speech, which must, of course, be considered as the Speech of the Ministers, pronounced at the opening of the Session. I look to that speech for the purpose of ascertaining what were the views of the

Government, and what were the measures they considered essential to the interests of the country; and looking to the speech with that view, let us inquire to what extent the promises held out and the pledges given in it have been redeemed by her Majesty's Government. In that speech, my Lords, there are four principal points to which the attention of Parliament was particularly directed. The Irish Municipal Bill, we are told, was essential to the interests of that part of the empire; we were called upon to take measures for the purpose of settling the important affairs of Canada; we were told, that to carry into effect the recommendations of the Ecclesiastical Commissioners was a matter of great urgency; we were further informed, that it was a matter of the first importance that we should direct our attention to measures which would be submitted to us for the more speedy and certain administration of justice. These, my Lords, were the prominent topics of her Majesty's Speech; and I am desirous, in the first instance, of leading your Lordships through the course of the proceedings of this Session, to show how far these important objects, to which our attention was thus directed, have been realized. First, then, with respect to the Irish Municipal Bill. It is not my intention to enter into any details on that question. It came up to your Lordships' House, where it was amended in a manner to make it correspond, or nearly so, with the bill of the last Session. What, then, was the course pursued by the noble Viscount? What was the objection, placed as it were in front of the battle, and urged against the amendments proposed by your Lordships? It was the amendment made with respect to the freemen. Now, it is remarkable, as showing how forgetful the noble Viscount was of the past history of this bill—how careless and inattentive to its provisions—that exactly the same amendment had been made last Session. It met with no opposition from the Government when it went down to the other House of Parliament, although many other objections were urged against the measure in its amended shape. This clause, with a trifling addition, was assented to; and yet now, so inconsistent were Ministers with themselves, that the amendment which before had been acquiesced in, to which no objection was even whispered by the Government, was put prominently forward as a ground for rejecting the bill. This is not all. Another amendment was opposed

with great zeal and earnestness. That amendment related to the appointment of sheriffs. It turned out, that three years ago the noble Viscount had himself made in a former bill precisely the same amendment, and defended it upon just and constitutional grounds; but now, because the amendment proceeded from this side of the House, the noble Viscount turned round and gave it his most decided opposition. So much, my Lords, for the consistency of her Majesty's Ministers, and the manner in which they have treated this important bill. I can only ascribe this to thoughtlessness, to indifference, to their utter carelessness about a measure which they told us, in the speech from the throne, was so "essential" to the interests of Ireland. But there was another amendment made by your Lordships, the effect of which was to strike out a number of clauses that had been introduced into the bill for the first time, during the present Session, in the House of Commons. These clauses were never heard of till the present year. They related to the grand jury cess, the powers of which were to be transferred to the town-councils. They were not even introduced into the bill when it was first brought into the House of Commons; but in that memorable committee of the 19th of April they were, for the first time, ingrafted on the bill. We objected to that alteration. We said "Let the law in this respect remain as it is." We struck out these clauses. The noble Viscount told us it would defeat the bill in another place. I said that it is impossible: it is an assumption of privilege and power to which we never can subscribe. You introduce clauses which you call money clauses, and ingraft them on a bill which is, in itself, a complete measure; we strike them out, and say, let the law remain as it is, or at all events introduce them in a separate bill; and we are told this is to be fatal to the whole measure. When the bill went down to the other House, this alteration did prove fatal to the measure; but it is worthy of remark, that at the very time when the amendment was objected to, it was admitted by the noble Lord who had the conduct of the bill in that House, that the clauses might and therefore ought to have been made the subject of a separate bill. To ingraft them on the Municipal Bill—to tack them to it—was an encroachment upon the privileges of this House. It was a clumsy proceeding, and if done with design, could only have been intended to

keep on foot something that might be considered in certain quarters as a grievance of which the Government might avail itself as occasion might require. Her Majesty's Ministers have thus made themselves responsible for the loss of this bill. The tacking of such clauses to such a bill was an unjustifiable act: it was advised by Ministers, and formed a pretext for getting rid of the measure. They, therefore, have themselves defeated a bill calculated, according to their own statement, essentially to promote the interests of Ireland. So much, then, as to the first measure alluded to in her Majesty's gracious Speech from the Throne. Now, as to the measures called for by the state of Canada. We all felt that nothing could be more pressing and more urgent than the necessity for taking that most important subject into consideration early in the Session. We felt that every hour's delay, and what has since occurred has confirmed the justness of our opinion, would add to the difficulty of the subject. Noble Lords hastened up to this House from all parts of the country and the Continent, anxious to be present at the earliest moment during the discussion of these important measures. But nothing was done: no measure was even submitted for consideration. A few conversations of a personal nature took place, and thus the matter ended. At length, however, at an advanced period of the Session, we were told that the plan for settling the Canadas was matured—the plan came forth. A constitution was to be formed for the two provinces, which were to be united into one; this plan, however, was not to come into effect till after the expiration of three years—in 1842. The temporary government was to be continued till that time; and thus it became necessary, as a matter of course, from the extension of the duration of the temporary Government, that further powers should be given to it, particularly with a view to provide for local improvement. Thus the affair rested, and continued for some time in suspense. Intimation, however, was given, that these measures proposed by Ministers would meet with opposition. It was ascertained that the opposition would be of a vigorous character, and the whole scheme was suddenly abandoned. We were told it was abandoned in consequence of information recently received from Canada. What that information was, has never been communicated to your Lordships or the other House of

Parliament; and any person who will take the pains to trace the proceedings in Canada for the last six months will find, that no alteration had occurred in the state of things in that country, which could have any influence upon this measure. With the bill fell also the other part of the scheme, which was to continue the temporary Government for a period of three years. But then it was necessary that something should be done—that at least there should be an appearance of legislating for Canada. Therefore, it was that that bill, that fragment of a measure which passed the other House of Parliament, was brought up and submitted to your consideration; but so little importance did her Majesty's Ministers attach to it, that the noble Lord who had the conduct of the bill in this House, was unacquainted with its provisions, and the effects of them, and utterly unable to explain them to your Lordships. It would of course have been desirable if the temporary Government of Canada had been prolonged for three years, to give extended powers to the Governor, for the purpose of providing for local improvements; but when that plan was abandoned, such necessity no longer existed, and in fact, as the bill is now framed, nothing effectual can be done under it till next spring; at which time your Lordships must legislate for Canada, because in the course of the year the powers of the governor under the former bill will expire. The bill was, therefore, idle and unnecessary, and was obviously introduced merely for the purpose of making a show of legislation. So much for the redemption of this pledge—so much for the conduct of her Majesty's Government on this grave and important subject—the settlement of the affairs of Canada. With respect, my Lords, to the third subject referred to in her Majesty's Speech, there is an absolute blank: here there is not even a show of legislation. We were to take measures for carrying into effect the recommendation of the Ecclesiastical Commissioners. A bill was brought into the other House of Parliament for that purpose; it proceeded on a false statement of facts; it was read a second time; nothing further was done with respect to it; it was abandoned. In the Speech from the Throne, it is described as a measure most urgently called for; the recommendation was followed as far as the stage I have mentioned, and by the act of Ministers themselves the measure was then abandoned. The fourth subject, my Lords, referred to in the Queen's Speech, was

stated to be of the first importance. Measures were said to be in preparation to provide for the more certain and speedy administration of justice—a subject, undoubtedly of paramount importance. What has been done, then, in this respect? As in the case of the recommendation of the Ecclesiastical Commissioners, literally nothing. Upwards of two months ago I thought it my duty to call your attention most seriously to the state of the business in the Court of Chancery. There is no court, there are no proceedings in any court, to which the recommendation in her Majesty's Speech would so strongly apply as to the Court of Chancery. I brought the subject under your Lordships' consideration shortly after the Easter recess; I stated the immense arrear of business in that court, and the remedy that was required. Referring to the arrears, I stated that the evil had become grievous and intolerable. My noble and learned Friend, the Master of the Rolls, advertent to those expressions, said the terms were strong, but were hardly strong enough to describe the extent of the evil. And, my Lords, it is impossible to form an adequate idea of the cruelty of the system, unless you direct your attention to some particular case; then only will you adequately feel, by considering its details, how individuals and whole families are ruined, and their prospects for ever blighted, by this delay of justice; then only can you form a just estimate of the extent and magnitude of this evil. Don't let it be supposed for a moment that I am finding fault with the learned judges who preside in that court: they are all persons faithful in the discharge of their respective duties—vigorous, active, learned, able men. But they have not power, not physical strength, to cope with the evil: the force of the court is not adequate for that purpose; this is admitted—it is avowed by every person acquainted with the subject. When I brought the matter forward, I laid before your Lordships a plan for remedying the evil, which I understood, at the time, was assented to by my noble and learned Friend on the Woolsack, and by her Majesty's Ministers. It was assented to by my noble and learned Friend opposite (Lord Brougham;) and I did expect—indeed I understood we had something like a pledge, that some bill would be brought in during the present Session of Parliament, to remedy the evil. It was stated, indeed by my noble and learned Friend on the Woolsack, that I did not go far enough; but he

was willing, as I understood, to try what I proposed, which, to a considerable extent at least, would, even according to his admission, have provided a remedy for the evils of the present system; but from that time to this, we have heard nothing from her Majesty's Ministers on the subject. They have not touched this grievance, this intolerable grievance. The more speedy and certain administration of justice was stated to be a matter of the first importance in the Queen's Speech; the attention of your Lordships and of Ministers was earnestly directed to the subject; we had a sort of pledge that it would be immediately attended to; but, from that time to the present, no steps whatever have been taken to redeem that pledge. But, my Lords, it may be supposed that Ministers have been engaged upon other measures for reforming the law and rendering the administration of justice both speedy and certain. I look around in vain for anything as the fruit and result of their labours upon this subject. No bill has been introduced into this House, or come up from the other House of Parliament, on this important matter. The whole is a blank. There was, indeed a measure which had been lingering through Parliament for three Sessions, relative to Bankrupt Estates in Scotland, and to which no opposition was offered. There was also a bill for the purpose of increasing the salaries and making some trifling alterations in the Supreme Court of Scotland. But, with respect to England, there has been no attempt whatever to perform the promises which her Majesty's Ministers held out in the Speech from the Throne; and upon a subject which they themselves justly described as of the first importance. They have done nothing to promote the more speedy and certain administration of justice. Seeing the noble Baron the Chancellor of the Duchy of Lancaster opposite reminds me of the extent of this supineness. The noble Baron, three years ago, directed a commission to inquire into the state of the Court of Chancery within his jurisdiction; a Commissioner was appointed, he immediately went down to make the necessary inquiries, but no report has yet been made, nothing further has been done—matters stand precisely where they did. My Lords, I have now gone through the particulars noticed in the Speech from the Throne. I have stated to you what were the promises and pledges given in that Speech by her Majesty's Ministers at the commencement of the

Session; and I have shewn you what has been the performance, or rather I should say the absence of all performance, on their part, relative to these important subjects. What is the conclusion to be drawn from such a state of things? Obviously this; her Majesty's Ministers, at the commencement of the Session, stated in this document, deliberately and in terms, the opinion they themselves entertained as to the measures of legislation which the interests of the country required; they stated what, in their judgment the country had a right to expect from a vigorous, an able, and an effective administration. Not one of these measures has been accomplished. They have thus enabled us to compare their own opinion of what their duty required with their subsequent performance. They have thus pronounced their own condemnation. The Ministry has passed judgment on itself—*habes confitentium reum*; and yet, my Lords, these men still continue to hold the reins, without being able to direct the course of Government.

“—Versate diu, quid ferre recusent
Quid valeant humeri.”

is applicable not to poetry alone; it extends equally and emphatically to those who undertake to conduct the affairs of a great empire. To undertake the conduct of such affairs, without possessing the vigour, or the capacity, or the Parliamentary confidence and support necessary to carry such measures as are essential to the interests of the country, is considered, and justly, by the constitution of these realms, as a high misdemeanour, as subjecting the parties to impeachment. And yet this is the course which has been pursued by the noble Viscount and his colleagues. This, at the present moment, is their actual state and condition. I here take leave of the measures referred to in the speech from the Throne. The Ministers found it necessary to attempt something—something to gain the support of at least a certain class of their followers; and it seems to have occurred to them, that nothing was so well suited to their purpose as some measure on the subject of general education—a matter undoubtedly, my Lords, of the first importance, and deeply interesting to the welfare of the country. What course, then, would an enlightened, able, and straightforward Ministry have pursued upon this great subject? They would have prepared a bill containing the principles and the details of their measure; they

would have submitted it to Parliament, and have given ample time for the consideration of it, not only by Parliament itself, but by the country, deeply interested as it must have felt on a subject of such a nature. This was the course pursued by my noble and learned Friend opposite, who set them a bright example, which they would have done well on this occasion to have imitated. It was the course which a manly, able, and constitutional Government would have pursued; but such a course did not suit the views, and was at variance with the principles and practice, of her Majesty's present advisers. They constantly prefer to the broad highway, in their course of policy, the tortuous by-paths which lead more obscurely and indirectly to the end which they are desirous of attaining. Availing themselves of, and abusing the confidence which your Lordships had placed in them and in the other House of Parliament, they proceeded, by a vote of that House, carried only by a majority of two, to give effect to the appointment of a committee of general instruction to superintend and control the general education of the country. This policy they pursued for the express, I had almost said the avowed, purpose of excluding your Lordships from all deliberation on this the greatest of all national subjects. Looking at the composition of your Lordships' House, do I say too much when I assert, that no assembly in the world is better qualified to consider, to discuss, and to advise on, such a subject? Yet the policy—the little and narrow policy I must call it—of her Majesty's Ministers has been to exclude you from all consideration of it, and to proceed exclusively on the vote of the other House of Parliament. But of whom does this Committee of education consist? There is the Chancellor of the Exchequer; there is the noble Viscount at the head of the Board of Works, who has of late been so active in the business of this House; there is also the Secretary of State for the Home Department; and lastly, and as a matter of course, the President of the Council. Such is the composition of this committee—such the Board which has to form plans and to digest schemes for the superintendence and conduct of the general education of the country. With the greatest possible respect for these individuals, I must say, that they are not exactly the description of persons whom I should have selected, or whom I believe the nation would have selected, for

the discharge of so delicate and important a trust. We find, in their very first publication, one of them betraying his ignorance of the very terms of the science of which he is appointed a professor. And what has been their first act? They published their scheme; it was circulated throughout the country, and it was met every where with universal reprobation; and not only in England, but also in the northern part of the island. So strong was the feeling excited against it, that though her Majesty's Ministers endeavoured to conciliate the general assembly of the Church of Scotland, by placing three hundred livings at their disposal, they passed a unanimous vote in condemnation of this scheme. Your Lordships considered it your duty to address the Throne upon the subject, not because you had been treated with indignity by her Majesty's Ministers, but because you thought the interests of the country required that as a branch of the Legislature, you should have been consulted upon a subject of such extensive and immeasurable importance. I rejoice that you did so; and, if for no other reason, for this—that we have thereby discovered what are the further objects and intentions of her Majesty's Ministers. It might otherwise have been supposed, that this Committee of instruction was a mere temporary body, appointed to dispose of the sum of 30,000*l.* voted by the House of Commons; but from the answer which the noble Viscount advised her Majesty to give to your address, we are, for the first time, let into the secret that the system is intended to be permanent; for we are told, that the proceedings of the Board are to be submitted to both Houses of Parliament annually. They are establishing, then, by the votes of the House of Commons, a permanent system for the superintendence and direction of education in this country. As to the other part of the answer which the noble Viscount advised, it is a mere mockery, though I can hardly suppose it was so intended by the noble Viscount. You complained, my Lords, that you had not been allowed to exercise any judgment upon this important subject; and what is the reply? "Of the proceedings of this Committee, annual reports will be laid before Parliament, so that the House of Lords will be enabled to exercise its judgment upon them." But when your Lordships expressed yourselves anxious "to have an opportunity of fully considering a measure

of such deep importance to the highest interests of the community," you, of course, intended that your judgment was to be coupled with a control—not a judgment without fruit; not a judgment which would be followed by no practical result. It was, then, a sneer and a mockery—for I will not use a harsher expression—to tell you that you would be enabled to exercise your judgment upon these annual reports, though, I repeat it, I can hardly bring myself to believe, that it was so intended by the noble Viscount. I pass, my Lords, from this subject to another of no inconsiderable importance—another measure of legislation. The subject to which I have just adverted was in substance a measure of legislation by one House alone, for which your Lordships may indeed find precedents; but precedents drawn from times of tumult and disorder, which I can scarcely think the noble Viscount would wish to see renewed. I now call your attention to the first Jamaica Bill. The Assembly of Jamaica contended, that we had infringed their privileges, by legislating without necessity respecting the internal affairs of that island. They did what they had before done under similar circumstances. They presented an address to the Crown, and resolved that they would not proceed in any work of legislation, except such as related to the maintenance of public credit, until they received an answer to their address. They were immediately prorogued, and were afterwards continued under prorogation. No answer was returned to their address; no explanation given; no communication of any description was made to them: but a bill was prepared by the Colonial office, and brought into Parliament to annihilate for ever the constitution of Jamaica;—I say, a bill to annihilate the constitution of Jamaica:—for, though that bill was in terms only directed to the suspension of the constitution for the period of five years, every one who reflects for a moment must be aware, that the practical result of such a measure would have been its complete and entire extinction. A measure so strong and so despotic met with a vigorous opposition in the other House of Parliament. A reformed House of Commons—itsself a representative Assembly, and professing liberal opinions could not well consent to to abolish another and ancient representative assembly, except in a case of absolute necessity. The bill, on its second reading, was carried only by a majority of five. It

was considered as lost, and so in substance it was. Her Majesty's Ministers felt and stated that they no longer possessed the confidence of the House of Commons. They never had enjoyed the confidence of this House; and as to the people, they well knew that they were regarded by them with hatred and contempt. They, therefore, tendered the resignation of their offices to her Majesty, and that resignation was accepted. The history of the few days subsequent to that event I pass over, it forms no part of the matter which I have to submit to your Lordships; it has, besides, been so fully laid before you by the noble Duke, himself an actor in it, and was afterwards treated in so able and masterly a manner by my noble and learned Friend opposite, that the recollection of the whole subject must be fresh in your memories, and I will not impair the effect of it by any statement of my own. But there is one point connected with it to which I must call the attention of your Lordships. Her Majesty's Ministers tendered their resignation—that resignation was accepted, and they stated that they only held office until their successors were appointed. Then commenced the communication for forming another administration. While these were still in progress, the Ministers, who only held office until their successors were appointed, interposed, individually and collectively, with their counsel, advised the letter addressed by her Majesty to Sir Robert Peel, and were thus the negotiators with their political opponents. In the result, they advised her Majesty to break off the negotiation, and to restore themselves to the position they formerly occupied; for that was the constitutional effect of the whole proceeding. Such a course of conduct never before occurred in the history of this country; and I trust in God that it never will occur again. And what, my Lords, was the first act of this restored Government? Their first act was to draw up their celebrated cabinet minute—a document historically false, argumentatively false, legally false; and the unconstitutional character of which was only equalled by its folly, its extravagance, and its absurdity. Ministers, I have said, were reinstated in their former position. They had declared that they had lost the confidence of the House of Commons. What had they since done so regain that forfeited confidence? Every act, every circumstance which had occurred in these transactions, had tended only to sink

and lower them still further in public estimation. Far from having gained an increase of confidence in the House of Commons, all these proceedings had tended only to weaken and degrade them. It was necessary, however, to put the question to the test; and the second Jamaica Bill was brought in. The pretence was, the necessity of continuing certain laws which were about to expire in that colony; but other clauses were engrafted upon it, equally pernicious in principle with the bill which Ministers had abandoned. The second reading was carried by a majority of ten. With a majority of five, they confessed that they had forfeited the confidence of the House of Commons; and with all this management they had contrived to advance this majority in House of six hundred and fifty-eight Members from five to ten. Such was the fruit of these intrigues. Their situation had become uneasy and almost desperate, and it became necessary to attempt something to regain the confidence of a party in the House of Commons, and the subject of the Ballot was selected for that purpose. It was perhaps, after the Reform Bill, the most important question that had been submitted to the consideration of Parliament. If ever there was a measure respecting which it was incumbent upon the Government to act as a Government, it was this measure of the Ballot. The opinion of the Government was well known regarding it; but they thought, that to make it an open question would be considered a concession, and would tend to increase their influence with a certain party in the House of Commons. It was a shabby proceeding! It was supposed, however that there would be a further advantage attending it; that it would enable some Members of the Cabinet to win the regard of their constituents by their votes in favour of the measure. The result of this policy was an entire failure—it disgusted many—it conciliated no one; and when a leading member of the Cabinet, with unexampled frankness, let out the secret that he had voted for making the question an open one, as the best way of defeating it, the shabbiness of the proceeding was forgotten in the contempt of the hypocrisy and deception which had been practised in this transaction. I cannot then, my Lords, congratulate the noble Viscount, and his Government, on any accession of strength gained by the course pursued upon this question of the Ballot. When the second Jamaica Bill was over,

the 9th of July had arrived. Up to that day not one bill of any consequence had passed the two Houses. The whole was a blank. We had passed, it is true, the Mutiny Bill, and the Annual Indemnity Bill; we had passed nine or ten money bills, of the ordinary course and character. We had also passed, twelve or fourteen other bills, some for the amendment, some for the continuance of former bills, and others for trifling and unimportant matters, to which no opposition was made in either House of Parliament. There were many bills lying on the Table of the House of Commons, and several of them of an important nature. It became, therefore, necessary to inquire what the Government intended to do with them. The Session was far advanced, and Members were naturally anxious on the subject. And accordingly, we find, that upon this intimation, that measure after measure was abandoned. I hold a list in my hand of these bills. There was a bill for the Registration of Voters in England, it was abandoned. A similar bill was introduced for the Registration of Voters in Scotland; it was in like manner abandoned. The Fictitious Votes Bill (Scotland)—a bill of importance to that country, was abandoned. The Preparation of Writs (Scotland), abandoned; the Registration of Leases (Scotland), abandoned; the Heritable Securities (Scotland) abandoned; the District Sessions Bill, abandoned; the District Prisons Bill, abandoned; the Town Councils' Bill, abandoned; so also the Ecclesiastical Duties and Revenues Bill, it was abandoned. The Factories' Regulation Bill—a bill which had been much discussed and of vast importance to the interests of humanity, was abandoned. The Collection of Rates Bill, the County Courts Bill, the Embankments (Ireland) Bill, and many other bills of different descriptions, all, all were abandoned, because Ministers, from not possessing the necessary energy, vigour, and capacity, and, above all, from not enjoying the confidence of the House of Commons, found it impossible to carry these measures through Parliament. But there is another measure on which, at the close of the Session, some reliance may possibly be placed, and upon which, therefore, I must say a few words. I allude to the Postage Bill. That measure was at first ridiculed and assailed by the retainers, and also by some of the Members of the Government. It was abused as absolutely impracticable; with a deficient revenue to

give up another million, upon such an experiment, was the very extreme of impolicy and absurdity. All this was urged and circulated with great activity by the Members and retainers of Government. But the measure was pressed from without, and her Majesty's Ministers did not possess sufficient vigour or character, nor enough of the confidence of Parliament, to resist it; and, in opposition to their better judgment, they prepared to bring in the bill. Not having the courage or the ability to look the measure directly in the face, they hit, as they fancied, upon a contrivance to get rid of it by a side-wind; and her Majesty's Chancellor of the Exchequer, with that singular ingenuity which distinguishes his character, thought that if he could introduce into the bill a clause distasteful to the House of Commons, he should be enabled to defeat the measure. Accordingly, a pledge was introduced, that Parliament would make good any deficiency which might be occasioned in the public revenue by the adoption of the new project. This pledge proved, as he had anticipated, distasteful to the House, and it was strenuously opposed. It was said, and said justly, by its opponents, that such a pledge was unnecessary, for that if the revenue proved deficient, it would become the duty of the House of Commons, without any such pledge, to make that deficiency good. At length, however, in spite of all these manœuvres, the Postage measure passed through all its stages in the House of Commons. Then the Government looked for assistance to your Lordships; the cry was "the Lords will never pass the bill—they will not suffer the revenue to be thus reduced. It is sure to be defeated in the House of Lords." Well, the bill came on for discussion here upon the motion for the second reading; and I never observed, upon the consideration of any important ministerial measure, a thinner attendance upon the opposite benches. The noble Viscount moved the second reading; he urged with great force, with all the talent, and with all the knowledge of the world which distinguish him, every reason that could be urged against the measure: and after he had expatiated upon and exhausted all these topics, he concluded by saying, "However, as the bill seems to be wished for, I now move its second reading." Your Lordships considered it principally as a measure connected with the finances of the country, and on this account more particularly within the province of the

other House of Parliament, and for which the Ministers were responsible. No effective opposition was therefore directed against it. It was passed, I cannot say with the satisfaction of the noble Viscount, and has now become the law of the land. My Lords, in pursuing the course which I have chalked out for myself, I come now to another bill of very deep interest—I mean the bill for the suppression of the slave-trade. When that bill was introduced, I read with care and attention the treaties between this country and Portugal, and also the correspondence which has passed between our Minister and the authorities of the Court of Lisbon on this subject; the conclusion to which I have come is, that Portugal has violated her engagements with this country, and never entertained the slightest intention to fulfil them. But this does not appear now for the first time; it was long ago equally clear. And I say, without hesitation, that her Majesty's Ministers deserted their duty, and forgot what was due to the honour and character of their country, and to the interests of humanity, in not having long since called upon Portugal to fulfil the engagements into which she had entered with us. I say further, that they might and ought, by the blockade of the port of Lisbon, or by other similar measures of energy and vigour, and according to the ordinary and usual course of proceeding in cases of this nature, to have compelled Portugal to the performance of her engagements. The result would have been, that thousands of lives would have been spared, which have since been sacrificed in this inhuman and detestable traffic. And believe me, my Lords, that this straightforward, correct, and legitimate course of proceeding, would have been far more effectual for its object than the new, irregular, and doubtful policy, upon which this measure is founded. Instead, therefore, of giving her Majesty's Ministers credit for their bill, I complain of their tardiness, and of the substitution of an indirect and inefficient course of proceeding for those measures, usually resorted to on such occasions, and which can never be resorted to without effect by a great and powerful nation like England. I consider this as another proof of their utter want of efficiency to discharge their duty towards their Sovereign and their country. My Lords, I have now brought you down to an advanced period of the Session. The 9th of August had arrived, and then a great flight of

bills, the *οἱ πολλοί* of legislation, were introduced, some of them mischievous—some of them unconstitutional—some of them of a jobbing character, but the great mass of them unimportant and inoffensive, and which met with no opposition. It appears as if her Majesty's Ministers were determined to make up by number, what they wanted in the weight and quality of their legislative measures. Am I expressing myself, my Lords, too strongly? I will select one or two instances in proof of what I have stated. One of these measures was the Metropolitan Police Courts Bill. By this bill, a patronage, to the extent of 54,000*l.* a-year, was given to the Secretary of State for the Home Department. There was another provision of the bill, by which the trial by jury, in a particular class of felonies was abolished. This was the first attempt of such a nature ever made in this country, except perhaps during the disorders of the seventeenth century, from which the present liberal Government seems very much inclined to draw its precedents. Trial by jury had always been respected even in the most arbitrary times, but, instead of a jury, a magistrate appointed by the Crown, paid by the Crown, and removable at the pleasure of the Crown, was substituted. Stealing, and receiving stolen goods to any amount, came within his jurisdiction, and it was left to his arbitrary will to decide, whether the accused should or should not have the benefit of trial by jury—to the arbitrary will of a judge, removable at the pleasure of the Crown. Such was the bill as it passed through the Reformed House of Commons. It was sent up here at the close of the Session, and your Lordships, acting wisely and constitutionally, struck out this extraordinary provision. Another objectionable measure was the Admiralty Bill, the salary of the Judge presiding in that Court, was to be increased to 4,000*l.* a-year, and he was to be allowed to sit in the House of Commons. I wish to speak with every respect of the learned gentleman who at present fills that office, but it is notorious that he is a keen political partizan, and most devoted and inflexible in his adherence to the present Government. Other alterations, of an extensive character, were proposed to be effected by the bill, and at a period of the Session when it was impossible for your Lordships to give them due consideration; your Lordships therefore rejected the bill. Another measure was brought up to your Lordships' House,

which I do not characterize too strongly when I state it to have been one of the most scandalous jobs ever attempted to be carried through Parliament. When I recall that measure to your Lordships' recollections, I am sure you will not think the terms I have used are too strong for the occasion: I allude to the Sale of Spirits (Ireland) Bill. Another bill had been introduced into the other House of Parliament for electioneering purposes, having for its object to alter a law of great importance passed for the protection of public morals. This bill was so distasteful to the other House, and of such a character, that there was no chance of its ever passing; what then was the course pursued? The Chancellor of the Exchequer's bill for the Sale of Spirits, had passed through its various stages up to the third reading. Then it was, when nobody expected such a proceeding, that he allowed the person who introduced the bill I have just referred to, to ingraft that bill, at the third reading, on the Government measure, and thus it passed the House of Commons by a contrivance as scandalous as had ever occurred in the history of legislation. It is unnecessary for me to say, that this addition to the Government bill was thrown out by your Lordships, without any attempt being made to defend it: for the whole proceeding was one which would not bear consideration or argument for a moment. Why was this bill embodied in the Government measure? It was felt convenient to conciliate the patron of that bill, and therefore it was that this extraordinary consent was given. But this kind of proceeding always fails of its object, and it failed signally in the present instance; for when the bill relating to the charter of the Bank of Ireland came on shortly after for discussion, the individual, whom it was wished to conciliate, opposed that bill with the utmost activity and vigour; and, in consequence of that opposition, that measure, so important to the credit and character of the Government, and the loss of which proved them to be utterly incapable of managing the affairs of the country, was, after a long and ineffectual struggle, finally abandoned. With respect to the rest of these bills, the mere sweepings of the offices, they were dealt out like cards at the table by the noble Viscount the Lord Privy Seal, to whom the whole Government business seems, at this important period of the Session, to have been entrusted. They were submitted with little explanation to your Lordships, and

met with no opposition. But there is another class of bills—three in number—which calls for a few observations. These were among the last bills of the Session. One of them has been discussed to-night, the others having been considered on former evenings. They relate to the establishment of a police force at Manchester, Bolton, and Birmingham. They are mere temporary measures; but what has led to their introduction? Because, in granting charters to those particular towns, Ministers have been so careless and negligent in their proceedings, that serious doubts have been entertained as to the validity of the charters, and they are now under consideration in the courts of law. These bills, therefore, were rendered necessary in consequence of the bungling of Ministers themselves; and they, surely, therefore, are not entitled to take praise for their introduction. There were, however, other considerations which unfortunately called for the passing of these bills. They were felt to be requisite on account of the tumults and disturbances which have taken place in the northern parts of this island, and for which the Ministers are deeply responsible. It was they who first roused the people—they first excited and stimulated them to acts of tumult and disorder—they first sent forth the watchword, “Agitate, agitate, agitate!” and they are, therefore, responsible for the consequences which have followed. Agitation was convenient to raise them to power, and they were willing to keep up as much of it as was necessary to maintain them in their position. They wished that thus far the flood might proceed, and no further—that at this point the proud waves might be stayed. But it is far easier to let loose the tempest, than afterwards to enchain or to direct it. In all ages the same course has been pursued, and the same result has followed. Ambitious men make use of the multitude, and awaken their passions, for their own ambitious purposes—for the attainment of their own personal objects of aggrandisement and power. They ride into authority on the shoulders of the people, and then they find the tumult and violence to which they owed their elevation, inconvenient and dangerous. It then becomes necessary to coerce and restrain those whom they had before incited and encouraged; and their astonished and deluded followers at length discover that they have become the dupes and the victims of those whom they had formerly eulogised and extolled. Such, too, is the history of

the present Government. We all remember the period when the noble Lord at the head of the Home Department, received an address from one hundred and fifty thousand persons assembled in the neighbourhood of Birmingham. With affected humility—for

“Lowliness is young Ambition’s ladder.”—

he received that address: “he was utterly undeserving of the great honour conferred upon him”—“he was deeply grateful for it;” and then it was that that noble Lord drew a comparison between the conduct of that meeting and the proceedings of your Lordships’ House, designating the one as the voice of the nation, and the other as the whisper of a faction. Are you surprised, then, at what has followed? Are you astonished at the result? It is all in the natural order of things; had it been otherwise, there would have been indeed reason to have been surprised. I have now gone through the business of the Session, and have executed the task which I undertook to perform. I have done it, *more meo*, with plainness and simplicity; I trust, with accuracy, and without exaggeration. I now put it to your Lordships, whether the Ministers who have thus conducted themselves in matters of legislation during the last seven months, can possibly enjoy, or ought to enjoy, the confidence of Parliament? Whether they have shewn themselves capable of conducting the affairs of this mighty empire in a manner suitable to its wants and necessities, and such as the country is entitled to expect from the Ministers of the Crown? I stated in the outset, what I now repeat, that, in submitting this matter to your Lordships’ consideration, I have felt, that I was discharging a duty; it has not been a grateful task to me, but I have endeavoured to perform it faithfully, and to the best of my power. The noble and learned Lord concluded by moving for a return of the bills which had come up to the House of Lords from the House of Commons, since the commencement of the present Session, and the dates when such bills were brought up.

Viscount Melbourne spoke as follows:—In the exertation with which the noble and learned Lord has favoured the House, and in the course of which he has brought under the consideration of this House and of country the capacity, or rather the incapacity, which he conceives himself to be able to pass judgment upon in those to whom,

under new circumstances, and more particularly under present circumstances, has been committed the conduct of the affairs of this country, the noble Lord has concluded, by saying, that he leaves the question entirely to the opinion and decision of your Lordships; and yet he has brought forward that question in a shape which renders it perfectly impossible that your Lordships can give any judgment or decision upon it. The noble and learned Lord brings forward a number of statements with respect to much that has passed in the course of the present Session, with much of which the noble and learned Lord himself acquiesced, and then, upon the whole of that statement, he calls upon your Lordships for a decision hostile to the Government, although he brings forward the question in a shape in which no decision can possibly be pronounced, and in a shape which can really lead to no practical result whatever. The real object and meaning of observations of the noble and learned Lord, although not distinctly stated in his speech, was to foster any discontent that may exist in the country—to increase any unpopularity which he conceives we may labour under, to make out a case against us; and the noble and learned Lord has undertaken the more hopeless, and, as I apprehend, the utterly impossible and impracticable task of raising himself in the estimation of his fellow-citizens. The noble and learned Lord may possibly prove, that we are unfit to conduct the affairs of this country; he may possibly shew that we are unfit for the difficult situation in which we are placed; this he may possibly show, but as to gaining for himself anything of credit—as to gaining for himself anything of character—as to his conciliating any confidence towards himself and towards those who would have to administer the affairs of the Government of this country, if it had the misfortune to be placed in his hands, the noble and learned Lord may depend upon it, that if his powers were ten thousand times what they are, if his abilities were ten thousand times as powerful, he would be utterly unable to effect any such Herculean, and, indeed, utterly impossible labour. Let the noble and learned Lord be perfectly assured of that. The noble and learned Lord has said that we are totally unable to conduct the business of the country, and he has referred to a question which was asked by the noble Duke opposite at the time of the passing of the Reform Bill, when the noble Duke asked if that bill passed, how was the

business of the country afterwards to be conducted? I apprehend that the noble Duke, in asking that question, did not refer merely to legislative business; he did not entirely refer to the passing of laws, and I must beg leave to remind the noble and learned Lord, that the business of the Government is not properly the passing of laws, that Parliament had much to do besides the passing of laws, and the making of new enactments, that it has something to do besides introducing new laws, and amending those which are faulty and defective; and that although many bills may not have been passed into law, and many more may have been left unconsidered, yet it cannot be said that the business of the country is left uncondacted, because the passing of bills and making laws is only a subsidiary and incidental duty of Parliament; the principal duty of Parliament is to consider the estimates for the public service, to retrench what is superfluous; to correct what is amiss, and to assist the Crown with those supplies and subsidies which it thinks it right and necessary to afford. Therefore, it does not follow, that because many bills do not pass in a Session, or because many laws do not pass, it does not follow that the business of the country is not vigorously and efficiently conducted in that Session. I apprehend, that when at the end of the Session of Parliament, noble Lords look at the book which we shall have compiled, to the volume of Acts and Statutes which we shall have framed, they will find it sufficiently bulky, and probably sufficiently faulty in its nature, to produce an additional crop of Acts and Statutes in the next Session. The noble and learned Lord has referred to the Speech from the Throne with which her Majesty was advised to open this Session, and he has referred to three or four measures which were especially recommended in that Speech, and he began with that bill with which we have now been engaged for so many Sessions; namely, the bill for settling the municipal corporations of Ireland; and the noble and learned Lord said, that it is our fault that that bill has not passed into law during the present Session. I can only say, that I take a quite different view of the matter. I conceive that the only reason why that bill was not passed, and why the matter was not settled long ago, is unquestionably—and I am not about to go into any discussion that may be offensive to any of your Lordships, I am not about to make any observations that ought, in the slightest

degree, to be offensive as regards the decision of your Lordships—but unquestionably the reason why that bill was not long ago passed into law, was those alterations with which, under the name of amendments, your Lordships, in our opinion, encumbered that bill. Then the noble and learned Lord charges me with peculiar inconsistency upon this subject. He has said that I put in the front of the battle an objection with respect to which I had not objected before, but in which I acquiesced in the former bill. This was very true; but the fact was, that I was not perfectly aware of the objection. The noble and learned Lord has used some strong language—he has talked of fraud and corruption, of baseness and shabbiness; but I must say, that with respect to the clause in question, I was not fully aware of the skill and dexterity with which it had been drawn up, or of the consequences it involved, and of the extensive consequences to which it would lead; and now, being aware of them, is the reason why I have been induced in this Session to lay stress on that clause, which I had not laid upon it on a former occasion. The noble and learned Lord thinks that I have been guilty of very great inconsistency in supporting the clause with respect to the nomination of sheriffs. When I supported that clause, I stated, that the provision with respect to the choice of sheriffs was a violation of the general principles which I entertained, but that there were sufficient reasons for adopting it, considering the present state of circumstances, and the present state of feeling in Ireland. But, unquestionably, as the noble and learned Lord clearly stated, the grand jury clause it was that lost that bill. It was not owing to delay in the introduction of the bill; it was not owing to indifference to the bill on the part of Government, that that bill was not passed into a law; but it was entirely owing to the difference of opinion between the two Houses upon the question, and that difference of opinion, I cannot help saying, I trust will be removed in a future Session of Parliament, and that we shall then bring the matter to a conclusion. The noble and learned Lord said, that there was great anxiety on the subject of Canada, and that noble Lords came posting up, anxious to hear the debates upon that subject. If any noble Lords were disappointed with respect to the debates which they expected to hear, that is not my fault. With respect to Canada itself, I have already distinctly stated the reason why Government did not think it wise or

prudent to proceed to a settlement in this Session of Parliament, and when that reason was stated, why I did not think it wise or prudent so to proceed, I do not remember that any great difference of opinion was expressed in this House upon the subject, or that we were much urged to take up the question, or that we were urged to come to a decision; and I think, therefore, that it is too much for the noble and learned Lord, at this distance of time, to come with one of those speeches with which he usually winds up the Session, making the delay and the alteration of our determination upon this subject a matter of complaint against us. The noble and learned Lord, said we recommended that Parliament should proceed with the Report of the Ecclesiastical Commissioners, and then he complains that we dropped the bill. Unquestionably, the pressure of public business, the great weight of public business, compelled us not to proceed with the bill, although I admit it to be one of great importance, and one which it is in the highest degree desirable to carry into law. The same may be said with respect to the bills for the better administration of justice. The noble and learned Lord draws a very striking picture of the evils that arise from delay; and he has said, that he conceived that a sort of pledge was given that those measures should be proceeded with during the present Session. It was impossible to proceed with that measure consistently with the transaction of public business; and the noble and learned Lord must allow me to remind him, that if he had been in the same mind two or three years ago, when a bill was introduced for the very purpose of remedying these delays in the Court of Chancery—if then the noble and learned Lord had been so much struck with the great evil of delay—if he was so much struck with the absolute necessity and urgency of applying a remedy—an opportunity was then offered of doing so, and why did not the noble and learned Lord accept that opportunity? I can recollect that the noble and learned Lord was the leader who at that time induced the House to reject the bill upon its second reading. The noble and learned Lord would not even go into committee for the consideration of the bill, and yet the evil was then as trying and as pressing as it is now; but the noble and learned Lord refused to consider the remedy that might possibly have been then applied. These are the measures which were spoken of by the noble and learned Lord as having been

recommended in the speech from the Throne, and these are the reasons why we have not been able to bring them, in this Session of Parliament, to a satisfactory conclusion. The noble and learned Lord then said, that many other measures were brought forward in the course of the Session, which were not mentioned in the Speech from the Throne; and, above all others, he places in the front of the battle the celebrated question upon education, upon which there has been so much discussion in this House. I entirely deny that there was any intention of excluding the judgment of this House in that matter. I utterly deny that any disrespect whatever was intended to this House; but I acted as by law, I conceived, we had the right and power to act, namely, we obtained from the other House of Parliament a grant for that which the noble and learned Lord admits to be a great and useful purpose, one than which there cannot be any purpose more worthy of, or more befitting, a Government, or one more demanding the attention and care of the Government, and as the administration of that grant was admitted to be within the power of the Queen's prerogative. I, therefore, conceive that we had a right to advise her Majesty to take that course which we considered, under the present state of the country, and in the present state of the question, the one best fitted for directing our progress towards the great object which we must all admit ourselves to be seeking. Then the noble and learned Lord proceeded to the bill which we introduced into the other House of Parliament, for the purpose of suspending the constitution of Jamaica. The noble and learned Lord stated the consequences that arose from that bill, and the circumstances that followed it. He passed over them lightly, as he said he would, but, at the same time, the noble and learned Lord was not sparing of insinuations of the basest and vilest kind—insinuations, I beg leave to say, entirely void, false, and without foundation. The noble and learned Lord has used, with reference to that occasion, the word “intrigues.” I have heard the same word used in other quarters with reference to this subject; I have heard other mean and base and vile expressions applied to it; but I utterly and entirely deny that there was any intrigue; I utterly and entirely deny that there was any management; I utterly and entirely deny that there was anything in the nature of mean, base, or perfidious in the transactions that took place; and I

utterly disclaim the insinuations and imputations that have been thrown out by the noble and learned Lord. I stated, my Lords, that when I was sent for by her Majesty, and that when I advised her Majesty, I considered that her Majesty's ultimate determination had been taken. I stated before in this House, that that was my understanding upon that subject. I stated all this before most fully; I told all this before most distinctly; and I now say, as I then said, that I believe that, under the circumstances, I acted rightly, I acted fairly, and I acted constitutionally. The noble and learned Lord then went into the question of the second Jamaica bill. This is a question into which I own, I would not wish to enter. I am extremely unwilling now to discuss it—I am very unwilling to refer to that question; because I have already stated my opinion strongly, perhaps I might say, too strongly, but still, most distinctly, my opinion with reference to it. I did not wish to repeat that opinion, if I were not compelled to do it by the speech of the noble and learned Lord. Feeling myself so compelled, I say, that both upon the Canada Bill, or from the beginning to the end of the Canada Bill and the Jamaica Bill, the Government was not supported in this House as it ought to have been. I think, my Lords, that the interests of the Government and the interests of the country were sacrificed on those occasions, I will not say to the feelings of party, because I do not wish to follow the example that has been set to me, and impute motives, but I say, that neither the interests of the Government nor of the country were supported as they ought to have been, if noble Lords had taken that clear, fair, and impartial view of the circumstances of the case and of the country which it was their duty to do. It may be, that the very interests which persons feel the most anxious to preserve, they may be diverted from by the contests continually occurring in both Houses, and by the feelings and passions which such contests are likely to engender. But then, my Lords, neither upon the first Canada Bill, when a proviso was introduced into it, in my opinion most unwisely, in the House of Commons; nor in all the subsequent proceedings on that bill; nor in the Jamaica Bill; nor in the Portuguese Slavery Bill, when an opposition was offered, which I must greatly deplore, considering the weight and authority of him by whom that opposition was carried; but

upon none of these occasions do I conceive that this House did its duty in that impartial manner to the Government, which, in my opinion, it ought to have done. I express this opinion with feelings of profound sorrow and of great grief: it only makes me apprehensive, that in times which probably are coming, there is neither in this country, nor in this House, which may be looked upon as a favourable specimen of the country—that neither in this House nor in this country, are there to be found that disinterestedness and determination sufficient to meet the difficulties, nor to avert the consequences, which, in different circumstances from the present, are likely to arise. I shall not state the reasons, having had the opportunity of doing so, why we were induced to take that course with the Ballot which the noble and learned Lord has adverted to—in taking that, which he is pleased to call a shabby course—by making it “an open question.” If that, my Lords, was shabby, then there was no Government that has existed for the last fifty or sixty years in this country, that was ever exempt from the charge of “shabbiness.” No government that has existed in this country in that time has not made open questions of great and important, and particularly popular questions; because it is in the nature of things, that you are forced by the feeling so generally pervading your own ranks, that it is impossible for you to keep anything in the shape of a party together unless you make material concessions. There is, then, no government, however strong—there is none, however powerful—there is none, however firm, and there are no men, however eminent—there are none, however respected—there have been none, however revered, whose fame or whose memory can be said to be free from “shabbiness,” if that be the proper term thrown upon such a course of proceeding by the noble and learned Lord. These, then, are the measures which have been brought forward in the course of the Session, and to which the noble and learned Lord adverted before he attacked us with respect to that which happened after the 9th of July. After that time he says, that only “the sweepings of the offices” were presented to the House, and then he goes on to say, that in some of these he acquiesced; that some others were very useful, but that there were some which he must distinguish from others by a few particular, and certainly not any very favourable observations. The noble and

learned Lord deals plentifully and profusely in insinuations; he insinuates nothing but meanness and baseness, and he repeats baseness and meanness in every charge that he makes. Such is the mode of censure adopted by the noble and learned Lord, the great superiority of whose character in all respects is so well known. This is the manner in which he looks down upon others from that acknowledged eminence and that great superiority on which he is placed, or has placed himself; but at the same time, he must permit me to tell him, that I throw back the meanness and baseness which he has been prodigally casting upon us. Then, with respect to the Postage Bill, he says, that for a long time we were opposed to it—that we said that we declared that it would be hazardous, and that it would occasion a great loss to the revenue. He says that we asserted that the success of it would be doubtful. I do not know the occasion when nor where all this was uttered; but surely, it will be admitted that it was but right that a subject of such novelty and importance should be duly considered. But, then, the noble Lord says, that we adopted it to satisfy those who were anxious for the success of the plan, and that we came to the conclusion to adopt it in consequence of “the pressure from without.” Let me tell the noble Lord, that on this question there was also the pressure from within. Even some of his own Friends took part in that pressure. A noble Lord who is not now present (Lord Ashburton) was the first to bring this question forward. The pressure, however, being there, he does not call it a pressure from without. He only calls it so when it originates with Liberals or Radicals; but then, I presume, that pressure from the Conservatives is not one which he condemns. I must, however, observe, that the pressure outside from the one party was as great as it was from the other. As I have stated, there was a general feeling in favour of the measure, and therefore one great motive for consenting to make the experiment. But then, my Lords, he has said that we introduced the measure, certain that it would be lost in the other House. That is not true. I tell the noble and learned Lord distinctly, that that is not true. The inferences of the noble and learned Lord I deny—I do not deny his facts; and when he makes the statement I have just referred to, I say it is not so;—I say, that the pledge in the preamble to the bill was introduced solely for the

purpose which it professes—that of binding the United Parliament, as far as it could be so bound, to make good the defalcation in the revenue consequent upon the passing of the bill. It was only for that purpose, and not with a view of defeating the bill, that the pledge was introduced. But then, the noble and learned Lord has said, that we relied with confidence that your Lordships would throw out the bill; that you would not consent to pass it. Sometimes, indeed, my Lords, we might rely with the greatest safety and certainty that your Lordships would take that course; but, assuredly, we did not so calculate upon that occasion. But what is the reason given by the noble and learned Lord for your Lordships' declining to reject the bill? It is this, that being a matter of revenue, you had nothing to do with it. That you cannot alter a money bill, is a doctrine, which, although you have never admitted, you have not practically violated; but then to say, that you have nothing to do with whatever may be the amount of the revenue to be sacrificed, or whatever may be the tax to be imposed, is a doctrine which I hardly could have expected to hear from the noble and learned Lord. But I shall not pursue this topic further. All that I am anxious for, is to have the opportunity of clearing away the misrepresentations of the noble and learned Lord, who, when he deals in assertions and imputes motives, I can only meet him with a contrary assertion, and declare, that his imputations are utterly and entirely without foundation. The noble and learned Lord has made a statement in one part of his speech with respect to the Portuguese slave-trade; in that part of his speech I concurred, and it is the only part which I listened to with pleasure, that which certainly is not very extraordinary. He states very clearly very justly, and very boldly, the impression that was made upon his mind, from a perusal of the papers, of the perfidy, that has marked the Portuguese with respect to the slave-trade; but then, he says, that the case was as good two years ago as it is now for us to have proceeded upon, and that having then taken it up, we should have been saved from all the horrors that have taken place for the last two years. I do not say my Lords, that we have not suffered too much and borne too long with the Portuguese; but then, considering the intimacy of their alliance with this country, considering the antiquity of that relation, the commercial relations, and all the con-

nections between the two people, surely something of forbearance was to be exercised, and I do not think that we are to be blamed if we carried that forbearance something further than in strict reason we were justified in doing. The noble and learned Lord then goes through a number of other bills with all that clearness, admirable order, and lucidness of expression for which he is distinguished; but still, with all his powers of language, a little tiresome. I am afraid that I, who have none of the qualities which distinguish him must necessarily be much more tiresome, and cause more fatigue to your Lordships. He says, that the Metropolitan Courts Bill was introduced for the sake of party, for the purpose of superannuating the present magistrates and of appointing new ones. These are his arguments. I can only oppose them with an unqualified denial, as I do the other imputations, of being actuated by unworthy motives, which have been cast upon me by the noble and learned Lord. To be sure, I have not so much to bear, because I have companions with me in my misfortune; for in the whole noble and learned Lord's speech he has divided his censure upon me with the reformed House of Commons. Upon that point, I do not know but that I shall be assisted by my noble and learned Friend on my right (Lord Brougham) and that he will vindicate us and the House of Commons from the censure cast upon us. I do not, my Lords, debate the bills which have passed, and therefore which I have already discussed. I do not now either, go into the summary jurisdiction clause. I feel, that however that clause may have been objected to, a fitter opportunity will be afforded for discussing the subject, and that a bill in which it will be introduced, will some day or another obtain the sanction of your Lordships. There was one bill referred to by the noble and learned Lord, which I cannot avoid noticing—that is, the bill for reforming the Court of Admiralty. I cannot advert to it without saying that a rejection of that bill by your Lordships was one of the most disreputable and unprovoked acts of power, that I ever knew to be exercised. I not only lament what was done, but particularly lament that it should have been done by those who did it. It was a bill demanded by every one—the principles of it were admitted by every one—it was a bill, too, the details of which could have been easily remedied upon consideration and

due deliberation. The name and character of the learned judge whose name has been introduced upon the present occasion, is one of whom I shall say no more, than that respect for his feelings and consideration for his name should have induced others to act differently; and yet I believe it was his connection with the bill that alone led to its rash and wanton rejection. The noble and learned Lord has passed a long course of public life, and must be well acquainted with the proceedings in politics and he suffered the things he has stated to have happened because they concur with his own views and objects. He is rather familiar with these things, and then he says that the clause which was introduced into the Sale of Spirits (Ireland) Bill was intended to buy the support of a Gentleman to whom allusion is so often made in this House, not to oppose the Irish Bank. How, my Lords, does he know that? What possible evidence has he of that? It is but the fiction of his brain—it is nothing more than the conjecture of his fancy; and such fancies and such conjectures do not certainly afford us a very favourable specimen of the mind in which they are formed. Then with respect to the Manchester, Birmingham, and Bolton Bills, the noble and learned Lord has said, that all these are the consequences of the charters given to these towns, that the charters are bad, and that they are so owing to the bungling of Ministers themselves. A doubt has been entertained with respect to these charters. There is a legal doubt and considering the feeling that exists in these towns, that cannot be a matter of surprise, and assuredly is no proof of any bungling in the giving or the framing of these charters. When these charters come to be discussed and determined before the proper tribunals, we shall see whether there has been any bungling about them. It is plain that at present it is premature to assume that there has been bungling. The noble and learned Lord then comes to the argument as to the unquiet state of the north, and he makes us responsible for all the rows, the tumults, and all the disturbances in the country; he says to us, “you have roused the people.” I say, on the contrary, we never roused the people. I say, that if they were roused it was by the circumstances of the times; they were roused by the grievances they conceived themselves to suffer; and particularly they were roused, if roused they

were, by the imprudent and the obstinate resistance to the redress of grievances which was given by the noble and learned Lord and those who acted with him.

Lord Brougham had not intended to trespass on their Lordships' indulgence on the present occasion, and would have abstained from doing so, were it not that he had been alluded to by his noble Friend who had just sat down in terms so distinct as not to be misunderstood, and had even been called upon by his noble Friend to come to his rescue on one or two points. Again, by way he supposed of inducing him to obey that summons, he had been attacked by his noble Friend on some points, to make it more certain that if he did not take the opportunity of defending himself, he should not miss the occasion of defending the noble Viscount against the attacks of his noble and learned Friend on the opposite side. He could not therefore allow the present opportunity to pass without troubling their Lordships with a few observations. If his noble Friend who had just sat down, with the great power which he possessed of arresting the attention of that House or any audience which he might address was afraid that his statement might seem tiresome, after the singularly lucid, the pellucid yet sparkling clearness which distinguished the whole stream of the statement of his noble and learned Friend opposite, how much more must he be under the apprehension that he might run the risk of exhausting the already almost worn-out patience of their Lordships. He felt that the disadvantage under which he laboured was infinitely greater than that of his noble Friend. He felt that he had not only not the chance of rivalling the clearness of his noble and learned Friend opposite, but perhaps, not even the power of arresting their Lordships' attention. On one point he totally differed from his noble Friend. It was not only not at all correct, in point of fact, to say that this was an annual exercitation of his noble and learned Friend, by which he wound up every Session; but it was the second time, according to his (Lord Brougham's) recollection, that his noble and learned Friend had brought forward this, in his opinion most useful, most wholesome, and most necessary summary of the Session;—useful, wholesome, and necessary, as often as the Session had proved a failure—useful, wholesome and necessary, as often as the Government had shown their indolence or incapacity.

city, or both combined. He did not believe that his noble Friend's attention had flagged for one instant during the eloquent statement of the noble and learned Lord opposite. It was only when his noble Friend proceeded to answer it, that his noble Friend's power, was inadequate to the task. His noble Friend seemed to recollect a passage of his noble and learned Friend's speech, and gave a strong proof of his having attended closely to its delivery by the accuracy with which he had quoted passages from it. If his noble Friend had exhibited only the same power of answering that he had shown of recollecting portions of that speech, then indeed, would his reply have been one of the most successful that ever was heard. But the noble Viscount, speaking of the noble and learned Lord said—"He may assail us; and he may carry with him in the attack all the influence of his great station in this House, of his great talents and of his established public character; and the attack against us may be severe, and not be repelled. He may disgrace and degrade and sink us lower than we now stand, in the eyes of Parliament and of the country." That the noble Viscount seemed to think possible. He assumed it for a fact that it was possible—that in the "lowest depth" of degradation for a Government, a lower still did exist. Be it so. "But how," proceeded the noble Viscount, "would the noble and learned Lord raise himself? There is no chance whatever of his rising. Parliament may distrust us, and the public may scorn us; but how will the noble and learned Lord opposite attain to the position of those whom he endeavours to sink still lower in the estimation of the public, if that be possible? How will he ever secure any confidence from Parliament or respect from the public for him and for the noble Duke, and for those who act with them? [Viscount Melbourne—I did not mention the noble Duke]. The noble Viscount did not mention the noble Duke's name; and he (Lord Brougham) would presently show why. But he spoke of those who acted with the noble and learned Lord, and he asked, "How will they ever acquire any portion of the confidence which we have lost?" The noble Viscount spoke of the noble and learned Lord, and of those who usually sat and voted with him. Now, what, he would ask, had they done since the 7th of May, in the year of grace 1839, to forfeit any confidence which they had ever possessed, or lose any respect which was felt for them either by Parliament or

by the nation at large? What had they done during that period to abandon any position in the public mind which they had formerly occupied? He asked his noble Friend cast his mind accurately back on that portion of his own history, and say what had happened to lower them in public estimation? They had received a certificate to their public character when the noble Viscount retired from office. It was not that some one, wanting to change their servants, called in these, and sent for a character to his noble Friend. No; but his noble Friend, upon resigning his service, gave them a character unsolicited, and recommended the Queen to employ them. Of course, no one dreamt of going out if no other parties were to come in; and the noble Viscount would surely not have recommended to the Queen to send for them, if he knew that no confidence, esteem, or respect was felt for them on the part of Parliament or the public. Yet this was what he said to night—"that as long as this country continues to be what it now is, never, never"—and his manner was most vehement; it was the most violent part of his speech—"can they hope to raise themselves in the confidence of Parliament or the public." Then, why recommend them to form a Government? Why go out that they might come in? Why advise his mistress to send for them, and let that Royal personage send for them accordingly. He said this not only in justice to his noble and learned Friend opposite, who had been unjustly assailed, but also to prevent this from going forth as the state of parties, and of public feeling in this country; for it was no light matter that it should go out on the authority of his noble Friend at the head of her Majesty's Government that this was the position in which the Liberal party—the Reform party—the Whig party—stands with reference to their antagonists—the anti-Reform, or Tory party, it was no light matter that his noble Friend should have thus described their relative position. He was glad to perceive, however, that his noble Friend enjoyed a monopoly of that opinion, for he did not hear—although no doubt they were willing enough to "lay the flattering unction to their souls"—a single cheer responsive to the sentiment—not even from his noble Friend behind him, coming from that part of the country which was most remarkable for its enthusiasm, and where love of the Government, as long as it was in, was proverbial: a part of the country

which was noted for the zeal with which it supported the Ministry—he meant the present Ministry, with the noble Viscount at the head of it, and whose strenuous opposition to that party which is now under the cloud of Royal displeasure, which is no longer shone upon—he meant the Conservative party—was as epidemical as the strenuous confidence which is reposed in the present Executive Government. Yet even amongst those noble Lords he did not hear one cheer—he did not observe one token of assent to the warm, and, let him say it at once, the violent statement of his noble Friend, that the Tory, or Conservative party, was almost reduced to annihilation. Why, that party had the confidence of all but an extremely narrow majority in the House of Commons; and this narrow majority was all that the noble Viscount's party had to rely on. He wished to God that the Reform party were not in this predicament—that it should be able to muster so poor a majority, with the assistance of all that official support could give, with the Royal favour to strengthen it, and with all the advantage of being eight years in office—a circumstance greatly tending to secure a majority in the House of Commons; to which were to be added, their constantly reiterated experiments in tenacity of life—experiments which would puzzle and astound a naturalist; for, in this respect, they might be envied by the cold-blooded animals, which have many lives for our one. Indeed, their tenacity of life almost exceeded that of the serpent, which, cut into ten thousand pieces, immediately afterwards exhibited life again. With a majority of five upon one day, and eight upon a second, and two upon a third, and upon many questions no majority at all—and a complete abandonment of many measures, from the utter impossibility of carrying them—still this Ministry was to be found in office. Such, then, being their position in the House of Commons, surely this House was something—especially, as his noble Friend had that night admitted in his speech, that this House was a fair representation of the people of this country. [Viscount Melbourne. — A favourable representation.] “Favourable” was still better. If their Lordships, then, exhibited a favourable representation of the people of this country, how did it come to pass that some of the noble Viscount's supporters, who lived from head to mouth, were constantly declaiming against their Lordships? If they passed a

good bill, they were forced. If they changed an opinion upon mature deliberation, they yielded not to reason, but to fear. If, in any respect, they altered their views, it was said that they were eating their own words. These attacks upon their Lordships, emanating from the noble Viscount's supporters, were going on daily. They were held up to ridicule in some cases, to scorn in others—to detestation and execration in all; and this was the daily food with which the palates were pampered of those who out of doors supported the Government of the noble Lord. But his noble Friend now came forward, and expressed himself as entirely differing in opinion from his friends and supporters, giving a most just and candid view of the attributes of their Lordships, whom as a body he had described as exhibiting a fair—in fact, too fair—a favourable sample of the people of this country. If so, the people of this country had, by a very large majority, opposed his noble Friend in all the plans of improvement which he had brought forward—he ought to change the tense—would have brought forward, or might have done so, but never would. They had opposed him (Lord Brougham) also in all the plans which he had from time to time brought forward. Surely, this was an indication that the people of this country, of whom their Lordships were a “favourable representation,” were hostile to the Government as at present constituted, and to those plans of improvement which he, as well as his noble Friend, complained of not having been able to carry. He had some right to complain of this; but he did not see what reason Ministers had. They had got their heart's content. They were of an obstructive nature rather than of the movement party. [Lord Melbourne: “No, no.”] He contended for it that they were either for standing still, or that they were moving at so slow a pace that their progress was almost imperceptible. His noble Friend, and those with whom he acted, had lately promulgated what they called the doctrine of “finality.” They were for not moving at all; for resisting further Parliamentary reform. No matter what faults might be discovered in their legislation, they were only for amending the slightest portions of the system requiring amendment, and for standing still in all others. Whether this was or was not their system, at all events so they had acted; and his noble Friend at the head of her Majesty's Government was the deputy of the noble Lord opposite,

Through him they assuredly acted by deputy ; for Session after Session he laboured most sedulously in keeping matters as they were—in obstinately resisting every attempt at political progress, and setting his face and hands against any thing like change. If the noble Duke and the noble and learned Lord opposite held the reins of Government, and exercised their power through the noble Viscount, as their acknowledged viceroy, they could not have administered the affairs of the country more to the heart's content of the Tory party. It certainly was hard that at the end of the Session, after gratifying that party to the utmost, the noble Viscount should thus be called to account. He wondered that the noble Viscount had not taken this ground of defence, which would be much better than any of which he had sought to avail himself. How much more powerful than any of his other responses would have been a specification of the useful purposes which he had served. Surely, this consideration should have saved the innocent victim from slaughter:—

“ Quid meruistis, oves, placidum pecus, inque tuendos

Natum homines, pleno quæ fertis in ubere nectar ?

——— Vitæque magis, quam morte juvatis.”

It was better that they should still be permitted to live, and continue to exercise that power which they wielded so innocuously, than that the Conservative party should come into the possession of a power which they would find it hard to hold, and which, if they held, he was absolutely certain that they would be compelled to give the people reforms and improvements which the party now in power could if they would, but would not, though they could, concede. If the Tory party were in office to-morrow they would have the power of making numerous administrative improvements, which, at least, the present Ministers can't. And he (Lord Brougham) perfectly well knew that their advent to power would be hailed by very many persons of liberal politics, in comparison with men who had refused to give anything, partly because what they refused to give they could not give, and partly because they would not give it though they could. His noble and learned Friend had told their Lordships, that there was one subject upon which he must have his (Lord Brougham's) assistance, and he at once gave it. He said, that he must be with him against the attacks which his

noble and learned Friend had made in the other House of Parliament, in common with the noble Viscount. They were jointly sufferers from that attack. Nothing could be more unfair to the Reform Bill—nothing less just, or candid, or liberal towards the constitution of Parliament, as existing under that great national measure of public improvement, than the view which had been taken by his noble and learned Friend in connexion with this subject—a view which was wholly unworthy of his powerful mind and great intelligence. First, he denied that the wish for reform, on the part of the Government by which it was carried, had been the parent of any of the agitation which went on at that period in the country. He knew that no such attempt had been made. His noble Friend was then at the head of the Home-office, and had the responsibility of preserving the public peace of the country ; and he knew, that if any man in that Government objected to any scheme for creating public excitement at that period, it was his noble Friend. He had himself joined his efforts in that House, with a view to prevent such excitement. He had endeavoured to put it down ; and when called on by his late respected Friend, the Chief Justice of the King's Bench, who asked him, “ Are these meetings lawful or not ? ” he had distinctly stated in his place that they were not lawful. He held that they could not be permitted with safety to the peace of the country—that popular violence could only be pernicious to the cause of reform—that tumultuous meetings of this description endangered the property, the limbs, and even the lives of the people. He should not have been sorry to have seen a proclamation issued for the suppression of those meetings. Now that he was on this subject, he might also say, that he should not have been sorry to see a proclamation issued against the practice of arming—a practice which could not fail to be attended with consequences the most serious, with results the most fatal. It was with the most utter astonishment that he had seen, what purported to be a communication from the Home-office, in reply to an application on this subject from Cockermouth. The parties who applied for information were here informed, that before the people were prevented from arming, it must first be proved that they were arming for an unlawful purpose. Now, by the law of this country—and here he challenged any lawyer to contradict him—the act of col-

lecting arms was so far from *prima facie* legal, that it cast the proof on the parties arming. They were bound to show that they did it for a lawful purpose, or the Government might stop them—might declaim against—might proceed against—might take the most effectual measures to prevent them. If arms were collected for the purpose of arming any force in the country, it was as nearly an act of overt high treason as any act which could by possibility be committed. He trusted that no noble Lord would show such ignorance of the law, or such inattention to what he (Lord Brougham) had been stating, as to represent him as having said that the practice of individuals arming for private defence was illegal; but it was arming in masses large bands of the people, and manufacturing and collecting arms in masses—this was what he pronounced to be directly and decidedly illegal. So far as to the agitation; now as to its fruits. And here he differed as much from the noble and learned Lord as on the former point. He agreed with his noble Friend that the agitation was owing to their Lordships' proceedings. Night after night they were told that the people did not care for reform; and day after day the people assembled to hold these tumultuous meetings in its favour. Their Lordships threw out the bill, and this increased the popular fervor. During the interregnum which ensued, when he and his colleagues were forced to resign, and when it was found not possible to form any other Government, the excitement was still further increased, and they were restored to office. It was not fair to charge all the error—if there were any—on the part of the Government, upon the bill itself. He had even heard of the Reform Bill producing very bad fruits during either 1833 or 1834, or even in 1835. During the years 1836, 1837, 1838, and 1839, no doubt it had produced no fruits; but whose was the fault? Not of those who sowed and who watered—not of those who planted and raised it throughout wide England, in the hearts of whose people they had reared it, and where it flourished to this day—but of those who had made sterile the ground where it grows, and marred the culture of the plant. It was nipped in the bud; it yielded no fruit. They had struck it with barrenness, and stunted its growth; they had plucked off its blossoms, and prevented the wholesome fruit of the stately tree from being gathered in at the appointed time, to the comfort and satisfaction and

contentment of the good people of this country, for whose use it was planted at first, and in whose gratitude those who assisted in that husbandry to this day flourish. No man has said, or could say, that the Reform Bill would work well, if there was a Government which was incapable of doing its business. No one had said, or could say, that the Reform Act was a machine that would work well without a governor, a director, a safety-valve, and a fire kindled to boil the water to create the steam. And when this bill—this machine, which must be worked by man, of which every movement and every operation required to be superintended, as well as worked, by men's hands—when it was found that the Parliamentary business of the country was intrusted to the hands of men utterly imbecile and incapable of doing it—men who had lost the confidence of their own reformed House of Commons—men who never had the confidence of this House—men who now had not the confidence of the country at large, it was a little too hard to charge the faults of such a Government upon that great measure. He thought he had now, and he hoped to the satisfaction of his noble Friend behind him (Viscount Melbourne), redeemed the pledge he, on the instant it was asked, had given his noble Friend to answer his call, in showing that it was not a very fair attack which his noble and learned Friend opposite had made upon their joint operations in passing the Reform Bill. His noble and learned Friend opposite had gone through such a variety of matters in the speech which he had addressed to their Lordships, that he was very little disposed to follow him further than to remark on one omission which had been made by his noble Friend behind him, and upon one point which had been omitted by his noble and learned Friend himself. He alluded now to the Irish Corporation Bill. But first of all, his noble Friend behind him had said, that the number of bills which were passed in the course of a Session formed no test of the capacity of those who directed the movements of the Legislature—that their duty was to carry on the old laws—to get supplies granted—to continue expiring laws—to carry addresses to the Throne, which meant little, and to bring back answers to addresses, which meant nothing—in short, to conduct the courtesies between the two Chambers of Parliament and the Throne. These were, according to his noble Friend, the common functions

of the Government, and the framing and passing new measures on that principle formed no part of their duty. That certainly was a most convenient doctrine for a Ministry existing and flourishing in ease and comfort, and caring but little for the affairs, wants, or wishes of any mortal man, to hold: but the word "Legislature," as he understood it, was derived from its nature to make laws. But, said his noble Friend, its duty was to grant supplies. There had been one curious illustration of the doctrine furnished during the present Session, when 30,000*l.* had been voted for educating the people, and 70,000*l.* voted for building stables for her Majesty. Such was his noble Friend's conception of the legitimate province of Parliament, that he thought Parliament had nothing to do but pass such votes, and say nothing at all about enacting new laws. He differed widely from his noble Friend on this point. He did not like to run the risk of being charged with making insinuations as his noble and learned Friend had been charged by his noble Friend, though the noble Viscount had himself made lumping insinuations against his noble and learned Friend opposite, one in words, and another by a tone and manner to which the noble Viscount had been goaded by the facts stated by his noble and learned Friend. He repeated, he did not like to make insinuations, but preferred to state his charge plainly, and he charged it directly as a fact, that while the late King and the late Court existed, the Government, finding no favour with the one and great hatred towards them among the other, being as weak at Court as any Government this country ever saw, except that of Richard Cromwell, being worse than the administration of Mr. Addington, now Lord Sidmouth, but not so courageous in its measures, having nothing to rely upon but the people, were then exceedingly profuse in the professions in favour of reform and improvement; there was nothing then that they would not do if they could, but they said, "The Crown is against us, the Court is against us, the House of Lords is always opposed to us in battle array." His noble Friend asserted—certainly he had never heard the King say as much—he had never heard these facts officially announced, but these were the statements—the uncontradicted statements made by all the supporters both in the public press and by the speakers at public meetings held in

England, Scotland, and Ireland. [Viscount Melbourne: It was not done with my knowledge.] His noble Friend said he knew nothing of these statements. Oh, not at all? But his noble Friend had taken all the benefits arising from them; he had kept himself in office by means of such statements, and he doubted whether he could justly say his noble Friend was not responsible for them. Suppose his noble Friend lounging at his window one morning saw a man rob another of his watch, no person could be less answerable for the robbery than his noble Friend, but suppose a man went to his noble Friend's bankers and paid in a sum of money at the rate of five per cent. to his own account, and ninety-five per cent. to the credit of his noble Friend, would his noble Friend, on seeing his account thus increased, take to it and say it was no fault of his, or would he not have rejected it as he now seemed to reject the assistance of his former supporters out of doors, with horror and indignation. If his noble Friend was not privy to these statements, he was at least party to them by a participation in the benefits which had arisen from them. His noble Friend and his colleagues must have surely known that at the period to which he adverted, every one of the newspapers, of the pamphlets, all their orators in the country, all the agitators in Ireland, all the more cautious essayists on the hustings in Scotland—in short, every orator, gazette writer, newspaper man, pamphleteer, agitator, and dissertator, in all parts of the country, spoke and wrote of nothing else than that the Court was against the Government; and that, therefore, they could not answer the wishes of their impatient and sanguine friends, but that when things took a turn at Court, or in the House of Lords, that then they would be found as great Reformers as the hearts of their friends could desire. By these means it was, that his noble Friend and his colleagues had kept their troops together in the other House of Parliament, and this continued up to a very late period. In short, nothing was said of finality during the lifetime of his late revered and gracious master, King William 4th. Nothing was said about finality until the present Sovereign came to the throne, or until the new Parliament in which the Ministry had gained a bare majority had assembled. Then came the finality declaration—then was it first thought of—then was it first promulgated. Upon that declaration the

Government had acted—they had done nothing for the people—the people became impatient in consequence—then followed the events of last May, when the noble Viscount and his colleagues went out of office and came in again. He would not say that there had been anything underhand, or that it had been affected to go out when they intended to remain in. He was sure, that was not the fact; but certainly they did go out, and they had again come in; they went out because they did not possess the confidence of the other House of Parliament, or of the people, or of the House of Lords, but in about a week after, they came in again, having done nothing in the mean time, to regain even the confidence they had lost; but they returned with everything in the same state, as when they resigned because there was no confidence reposed in them. But it was said, there had been a difference between the Ministry and the Sovereign. What was the difference? Her Majesty had been praised at every meeting which at the time had been got up, for having stood by reform and liberal principles of having resolved to have nothing to do with his noble and learned Friend opposite, and with the noble Duke (the Duke of Wellington), and with the right hon. Baronet, the Member for Tamworth. That was the character of the praise then given to her Majesty—that was the nature of the cry all over England. In part of Scotland (though there it was hardly responded to by the sanguine and long-headed people of that country), and in Ireland, the cry had been hooted forth with the most extravagant excess, that silly and bewildered fancy could indulge in. The cry, however, was “Reformers, stand by your Queen, for she has stood by you and rejected the Duke and the Baronet.” He had seen that placarded fifty times—aye, five hundred times—at least, during the three weeks after the little change was attempted. But had the Queen been advised to reject the noble Duke, his noble and learned Friend opposite, and the right hon. Baronet, the Member for Tamworth, to stand by reform policy, to refuse to communicate with the anti-reformers? On the contrary, her Majesty had been advised by the noble Viscount to send for the noble Duke opposite, even though he had declared against all Parliamentary reform, even though he had declared, with the exaggerations of

which he (Lord Brougham) had already reminded their Lordships, that the Borough Parliament was one “entire and perfect chrysolite”, a miracle of human polity, without flaw or stain. To the noble Duke no objection was made, and he, accordingly, had been sent for on the instant at which that step was advised. The first thing the noble Duke did was to advise her Majesty to send for Sir Robert Peel. Was there any objection made to that? None whatever. The right hon. Baronet, the paragon of Anti-Reformers, and Ultra-Tories in the other House, was at once sent for, and graciously received. Was there any objection to measures—any stipulations in favour of the movement—any for the progress of reform, or against Toryism? There was not the shadow of a shade of an objection to any Tory measure, or to any of the 39 or the 390 articles of the Tory creed. But touch a lady of the bedchamber—one lady of the bedchamber—and away goes the Duke—away goes the noble and learned Lord—away goes the right hon. Baronet, and hug me the Ministers to the bosom—those Ministers who had given out a week before, less than a week, that they had lost the confidence of Parliament—having never had the confidence of the House of Lords, and not daring to appeal to the people, that they were utterly incapable of carrying on the Government for four-and-twenty hours.

“So great events from little causes spring.”

A lady of the bedchamber put an end at once and for ever to the scheme of taking in Tory statesmen and Tory principles to the Government, and excluding Whigs and Reformers, and Liberal principles. It was all very well for the people of this country; and if they thought it a proper and becoming course to yield to the delusion, when they were asked to stand by reform, and be grateful to her Majesty for standing by Reformers, and rejecting those who were opposed to reform: “Qui vult decipi decipiatur.” If people chose to close their eyes, they could not complain of being left in the dark. He passed from the subject of ladies of the bedchamber, because it had been discussed before. They had lately seen a communication to the public—rather a long letter—in which it was distinctly stated that ladies of the bedchamber consider themselves as servants constitutionally responsible. They were responsible constitutional servants, according to his noble Friend Lord Port-

man, yet it was considered harsh and unjust for the noble Duke and the noble and learned Lord to say a word about the removal of those constitutional servants, when the other constitutionally responsible servants, namely, the Cabinet, were changed. But he now came to make a remark or two on the interregnum, and the addresses, speeches, and meetings got up in all quarters at that time. He was speaking of speeches of Members of Parliament, addressing meetings in England and Ireland—of Members of Parliament high in the favour and confidence of the Government—he was speaking of placards of all sorts, and of publications of all kinds, in which, if a man wished to have a low opinion of human nature—of its dishonesty—for upon some points it was impossible for those writers to be deceived to the extent to which they pretended—and of its weakness, he could not anywhere meet with so mortifying a sight as was presented by those publications for about three weeks after the Ministers came back to office, after they had been driven from it by the distrust of Parliament. It was the one constant song of all these parties, that the Ministers were so different now, you would not know them to be the same, that they were determined to give reforms, determined to throw overboard the finality declaration, determined to wash themselves clean of that leprous spot, and prove themselves the true friends of reform, by measures of which it was impossible to explain particulars, but which, when they were known, would obtain universal approbation. Such were the terms asked in every place, at every hour during those three weeks, by the friends of Ministers, while they themselves, good innocent lambs, had no intention of doing any such thing. Such were the high acts of courage, firmness, boldness, and consistency, preparing for them by kind friends, of which they themselves never dreamt; and for the best reason, because if they were too weak to carry measures before going out, they were much weaker, ten thousand times weaker, after that act of self-stultification. An apology, indeed, was offered for them with amusing naiveté—that it was too late in the Session, and that the measures of reform must be postponed till next Session. Since that declaration, they had, it was true, brought in fifty-five bills, but not one of any effect. It was

true also, that they had made the ballot an open question. This his noble and learned Friend opposite, had characterized as a shabby proceeding, and his noble Friend behind him (Viscount Melbourne) said it might be so, but that it was by no means a new mode of proceeding. Now, he (Lord Brougham) never before remembered a question, which having once been dealt with by the Government as not an open question, being all of a sudden made an open question. [Lord Holland, *The Roman Catholic question.*] The Roman Catholic question, and that of the slave-trade, had been the two great subjects on which the attention of Parliament had for many years been engaged, but he never remembered them except as open questions. He might be mistaken in this, but he was certain that the ill-grace arising from its being made an open question, with which Roman Catholic emancipation had been granted, had done more injury to Ireland, and been more productive of permanent discontent and intestine broil, than any system which ever had been practised. He had discussed the point with many eminent statesmen, who all agreed, that if the Roman Catholic question had to be dealt with over again, they would be against its being made an open question. But to return to the declaration of making the ballot an open question, He could not forget the declaration which had been made with respect to the motives for making it an open question, or the equal disgust and astonishment with which that declaration was received. He could not forget the declaration, which no doubt was sincere, that the reason for making this an open question was, to hug it to death—to stifle and extinguish it; that if it was made an open question, it was less likely to be carried, than if it continued a close question; and that it was made open in order to be strangled. For all these omissions and misdeeds of the Government, was it wonderful that Reformers should be hostile, even rancorously hostile, in the exact proportion in which they were heartily and sincerely attached to the cause of reform? Therefore it was, that you now hear said of these men, what has sometimes been said to Whigs before—

“Whigs are deceivers ever,
One foot on sea and one on shore,
To one thing constant never.”

But you also hear added, what never was added before :—

“ Sigh not so.

But let them go.”

Language never heard of in the mouths of the strongest Reformers, of those most adverse to the Whigs, until the celebrated 7th of last May. He could not conclude without a few remarks on another subject—he alluded to the great question of education, on which he entirely differed from his noble and learned Friend, and the majority of their Lordships, as he agreed in the debate and in the decision with his noble Friend near him. He must still say, that he most exceedingly disapproved of the manner in which this subject of education had been treated by Government. It had seemed to him the greatest folly, the uttermost infatuation, the most inconsistent, the most unreflecting thing, for men to bring in an education plan which was just large enough to excite the greatest storm on the part of the Church and the Conservative party against it and against them, and yet to make it so very small, so utterly insignificant in amount, that it was not worth a struggle on the part of the friends of the principle of education. A Privy Council board was made for the purpose of preparing a measure which could have been prepared without any Privy Council at all, for when it came forth, it was found to be no plan of general education, nothing of the kind, but merely a plan for the establishment of one normal school. Well, upon the production of that plan a cry was raised, and just such a cry as might have been expected. In fact, he had forewarned them of that very cry, and he had said to them—“ For God’s sake, if you are going to raise the Church and State cry of the country against you—if you are going to provoke them to rise up in arms in opposition to your plan, do it for something that is worth fighting for; let it be a measure which, when it comes forth, will enlist some of the persons, at least, who are on your side in its support.” There was no sense in making it just small enough to gain no support, and just large enough to provoke attacks upon it; and it turned out to be just such a measure as stirred up all the elements of confusion and agitation, and failed to unite any one party in its favour. For the Reformers of this country were not the only agitators; and as long as there was a

clergyman presiding at head-quarters in every parish or district in the country, who could be excited by such questions, there would be religious as well as political agitators. Well, there was all manner of agitation, and every weapon of heavenly warfare was put in operation, and the storm, and crashing, and confusion of hostile elements, as if there was something really alarming, and something to oppose, whereas it was only a wretched plan of spending 30,000*l.*, to be voted by the House of Commons, in a particular way, in maintaining one model school. What happened? The crash of elements which he had described, was not against that little bit of a plan of education merely, but against the general principles of the Government; and there was a betokened distrust of that Government, and of the principles on which it was conducted, rather than of the plan itself. But no sooner did the storm begin to rise, than his noble Friend threw the plan out of window, supposing the storm to be occasioned by the plan. Yet the tempest raged, and the storm boiled and threatened as furiously as before. The noble Lord and his plan reminded him of an old anecdote, which ran thus: A good Catholic was eating a savoury omelette on a Friday, when there happened to break out a tremendous thunder-storm; therefore he concluded that the storm was occasioned by the omelette, just as Lord John Russell concluded that the storm against education was occasioned by his little plan. The omelette-eater, however, was trying to get on with his savoury little dish, as Lord John Russell tried to keep on a while with his plan, when all at once there came a most deafening crash of thunder, and a most fearful flash of lightning, just as there was a tremendous anti-education storm at Exeter-Hall and elsewhere, whereupon the omelette-eater threw his savoury mess out of the window, exclaiming pettishly, “ My God! all this storm for one little savoury omelette!”—just as Lord J. Russell said, “ All this storm about my little plan!” but the storm continued both in the one case and in the other. That was just the way in which his noble Friend had proceeded: at first, he was surprised and astonished at the storm without, and then foolishly thought he could restore a calm by throwing away his plan. He hoped to God that the next time the subject of education

was taken in hand, it would be introduced and conducted with more firmness, and delicacy, and consistency. His noble Friend had thought proper to attack his conduct with respect to the Admiralty Bill, and he seemed to charge him with inconsistency. It was quite true that he had opposed that bill after asking for a bill upon this subject. But why had he opposed it? He had said, that was not the bill he wanted, on the contrary, it was the very reverse, for he had never once mentioned the subject to his noble and learned Friend on the Woolsack, he had never once conversed with him upon the mode of paying the Judge of the Admiralty Court, without saying that one integral and necessary part of the plan must be, that the judge must be disqualified from sitting in Parliament. Had he asked for such propositions as were made in the bill which had been rejected? and least of all had he ever asked that the judge should have that frightful patronage in his own court which was to have been established. Instead of a bill to pay the Judge a salary, and to exclude him from Parliament, a bill was brought in to alter the whole Admiralty Court and jurisdiction, and to invest the Judge with power both of creating places, and of bestowing them, and upon those grounds he objected to it. If the bill had come up at an earlier period of the Session, when he wanted it, and when he called for it, he should have gone into Committee with it for the purpose of striking out every part of the bill except the first clause, and then he would have added a disqualifying clause, and such other clauses as might be necessary to make it a good bill. But the bill came up from the other House at so late a period of the Session that there was no time for that. The charge of his inconsistency amounted to this—that so absolutely inconsistent had he been, that he had asked for a bill when there was time to discuss it, and that it was brought in when there was no time to discuss it; and that he had asked for a good bill framed on constitutional principles, and they gave him a bad bill—a noxious bill—a bill founded on the most unsound and unconstitutional principles. Why, it was said or implied, that his noble and learned Friend opposite only wished to exclude the present Judge of the Admiralty Court from Parliament on account of his great personal weight and influence; but that

was not the principle upon which either his noble and learned Friend or himself had acted; they had much better grounds to go upon. Why in October last he wrote to the learned Judge, and stated to him his opinion, that he would support a bill to pay him a salary of 4,000*l.* a-year, but that it must be accompanied by a disqualifying clause, so that he should not sit in the House of Commons one hour after the passing of the bill. He admitted that the learned Judge had great merits—he was an excellent advocate at the bar; he was an able counsel for consultation in chambers; a clever, honest, upright judge on the bench. He was all that, and he knew it; it was acknowledged that he was all that. He had long known it. But when they came to speak of his great personal weight and influence in Parliament, he was ready to admit that, as a debater, his talents might be respectable. But in the character of a judge, he would become formidable—so formidable, as to afford a sufficient ground for the disqualifying clause which he wished to propose. As a debater, then, he had great merits; but, in his character of a judge, he was formidable—nay, more, his aspect was absolutely frightful. Frightful if regarded as a judge as well as a debater. Because a party man, mingling in the fray of factions, and coming down from night to night ready to give a party opinion with all the zeal of a partisan, and with the authority of judge to boot—clothed with the zeal of the one, and covered with the ermine of the other, might well be deemed a formidable man, that might well give him weight which never would have belonged to his powers of debating. But he said, and he said it advisedly, that here his aspect was not only formidable but frightful; and to all lovers of the pure administration of justice, it was too hideous a spectacle to be tolerated. It was the duty of Parliament, then, to see that they laid no such snares in the way of any judge, or they might find that influence and that weight which was so used under the stimulus of party zeal, and the blindness which that zeal spread over the eyes of men, very soon cease, and that instead of having to complain that their weight and authority were too great in the senate, they might have to complain that their weight and authority in the senate were gone. But that would signify nothing in itself; it would only be a just retribution

for the prestitution of great, high, and eminent powers, judicial powers, to party purposes. There would also be a far more just and serious and lasting cause of complaint, that with the weight and authority of the judicial partisans in the House of Commons, or of the judicial partisans upon the hustings, there had also vanished with it the weight and impartiality of the judge. Those were the reasons upon which he had acted in reference to the bill, and which he had been rather reluctantly and unexpectedly called upon by the noble Viscount to explain; and with this explanation he would take leave of the subject and of their Lordships.

The Duke of *Wellington* had also been personally referred to, in such terms that it was absolutely impossible for him to avoid saying a few words upon the questions under consideration, but he would detain the House as shortly as possible. There could be nothing more legitimate than that his noble and learned Friend should avail himself of this opportunity, the last probably he could have this Session, for reviewing the measures and questions which had been under their Lordships' consideration, or under the consideration of Parliament, or which had merely been mentioned in Parliament in the course of the present Session. His noble and learned Friend had commenced very naturally by referring to those questions which were announced in her Majesty's Speech from the Throne, and graciously pointed out by her Majesty to the consideration of Parliament. The noble and learned Lord most naturally supposed, when Government took that course, that they had considered very closely if not actually prepared the measures announced. The noble Viscount in expressing his opinion, that the noble and learned Lord's object was to lower the Government in public opinion, had gone on to assure the noble and learned Lord, that happen what might, there was no chance of the noble and learned Lord and his Friends, meaning himself (the Duke of *Wellington*) and others, rising in public opinion, or having it in their power to carry on the Government of the country. There was, of course, no better judge on this point than the noble Viscount. So he (the Duke of *Wellington*) should consider this matter as entirely settled. He could assure the noble Viscount, that for his own part all that he

desired now, or had for some years desired, was to see a Government in the country. That was what he desired. He desired to see the country governed; he wished he could see that. He had seen how it had been governed for some years past, and he hoped that the noble Viscount would now turn over a new leaf, and really govern the country in future. He had had some little experience in these matters; he knew something about Speeches from the Throne; and he would now beg to submit to the noble Viscount that in future, before he submitted a list of measures to be recommended in the Speech from the Throne, he should consider those measures well before he inserted them in the Speech; that he should prepare those measures—that he should be ready to introduce them into Parliament the moment that Parliament met after the speech was delivered. If the noble Viscount were to do this, in all probability the measures would be in a state in which they might be passed; or, at all events, they would, before they were introduced to Parliament, be considered by men competent to consider them; that they would be at least their measures, and not be brought forward as the measures of a faction. Not one of the measures announced by the Ministers had been brought into that House in a state in which it ought to pass. There were many other reasons why he desired to see a Government in this country. He desired it because he was anxious to see our colonies settled and governed; because he desired to see the interests of this country settled and governed; because he desired to see all our establishments placed safely in the state in which they were to remain. The noble Viscount had referred to his opinion respecting Canada, as an opinion coming from a person of some authority on the subject. The noble Viscount at the same time complained, that this opinion differed from that of the noble Viscount's; but if his opinion were wise and well-founded, it might have been better for the noble Viscount to have followed that opinion, at least to have been guided by it in some degree, instead of complaining that he had delivered that opinion. He believed, that the value of his opinion arose from this; that he was a person entirely independent, who had had some experience, and who was not in the habit of delivering an opinion

without due reflection and consideration. The noble Viscount might, therefore, perhaps, have done better had he attended somewhat more to his opinion on the subject. That opinion he had formed after the most careful deliberation, and he still fully adhered to it. He had delivered opinions upon this subject on two occasions in that House during the present Session, and he had supported the Government bill, not merely upon its general principles, but also in its details, and he had given his vote in its favour. He did not, therefore, understand what the noble Viscount had to complain of as against him in this case. In the last Session, too, he had supported the noble Lord's measure, and it was not he, therefore, who had turned his back upon the Ministry, but the Ministry who had turned their backs upon themselves. What, however, he complained of in reference to this subject was, that when the noble Viscount had prevailed on the House to pass the Act giving certain powers to the noble Earl opposite as Governor-general of Canada, he had not taken care that the noble Earl should carry that Act into full operation—that he had not seen that the Council was properly composed. He certainly thought he had not been well treated by the noble Earl opposite in reference to what had passed between them on this subject; but he would never himself have introduced any discussion on the point, being satisfied with the measures taken by Government when the noble Earl returned home, nor should he have said a word on the subject had he not been distinctly referred to by the noble Viscount. With reference to Jamaica he had acted on this principle, that it was absolutely necessary to maintain the authority of the House of Assembly of Jamaica, and of all the other islands, if it was intended to maintain the dominion of the British Crown there, and to protect the white population and their possessions. What he desired was this, that Government, when it took upon itself really to administer the affairs of the country, which he hoped it would soon do, would establish an effective Government in each of these islands; that this government should be constituted according to proper form, and should really carry out the laws for the protection and security of the lives, properties, and labour of each and every in-

dividual inhabitant. This country had sacrificed twenty millions of money to liberate the slaves, and was calling upon other nations—upon the United States, upon Spain, Brazil, and other countries which had slaves—to imitate our example, but we had given them no encouragement to do so, by the establishment of order and good government in our colonies, notwithstanding the many advantages we had, and might further have, in carrying these objects out. These were all small societies; there was not a man of the population, even in Jamaica, the largest of these societies—there was not a man in them who was not within reach of the constituted authorities; there were strong garrisons, troops, police, and everything that could be required for keeping the population in order, for putting the laws in force, and for protecting every individual, even the lowest in the society; yet he would venture to say, that, since the passing of the law for negro emancipation, there were no societies in such a state of disorder, disorganization, and anarchy, as these very islands were, which ought to be in so different a condition. The fact was, that they required to be governed by the Colonial Government, and not by the different factions who went there to interfere in the business of government. There were no countries in the world so capable of being well governed as these islands, if the noble Marquess opposite would only just undertake to perform his own duty, and to keep all factions at a distance, instead of allowing those factions to interfere in all the details of the business of government. Then, look at the other colonies—look at Newfoundland—look where you will, there was nothing but disorder and anarchy, and all resulting from the same cause—the interference of factions in England, who had nothing to do with the matter. The noble Viscount also complained of his conduct as regarded Portugal. He had on two occasions stated freely his opinions on this subject, opinions deliberately formed. He had voted against the first bill, which was thrown out; and he was one of the small minority who said non-content to the second bill. The noble Viscount had not attended to his authority in this matter, and whilst the noble Viscount had not followed his advice, but had taken another course, he still used this language. If he had not followed his advice, why, at any rate, did he not an-

swer him, and show the absurdity of the course that he had recommended? This was the course that the noble Viscount should have taken, because he (the Duke of Wellington) felt satisfied that his argument was founded, not only on existing treaties, but also in the justice and policy of the case. It appeared, however, that neither the noble Viscount nor any of his noble Friends could give any answer on that occasion to what he had advanced. He, therefore, had no apology to make to the noble Viscount for the conduct which he had thought it to be his duty to follow. He was an independent man, and a man, he would say, without any disparagement to the noble Viscount or to his services, who wished as well to the country, and would go as far to serve it, as the noble Viscount. Having shown how the noble Viscount might have obtained the object he had in view, instead of by adopting the course which he had thought proper to follow, and which, if he (the Duke of Wellington) was not very much mistaken, would be attended with much more difficulty than the noble Viscount was aware of—having said thus much, and having shown to their Lordships that the Government of the country had not been exactly prudent in the proceedings that they had taken, and that it was not a course which the Government should have exactly followed in the situation in which they were placed—having shown that there was something in the state of the colonies—which of themselves formed a most important empire—there was something in the conduct of the foreign policy of the country which reflected no credit on the Government; he had said enough to justify the course he had pursued. He would, however, only go one step further, and advert directly to a subject which would fully justify what he had stated, and show that there was something in the state of things, there was something that determined the conduct and proceedings of the Government besides the House of Lords. He would presently advert to something that the noble Viscount had said, but he would first beg noble Lords to look to the proceedings that had occurred in another place on the Irish Bank Bill. This was a subject in which the honour of the country was engaged, and he believed, from communications which he had seen, that the credit of the Government was pledged. The Chancellor of the Ex-

chequer—the right hon. Gentleman who was at the head of the finance department of the Government—very properly stated his determination to carry this bill through, in the state in which he had brought it into the House. The right hon. Gentleman appeared to think that he was acting in the face of an honourable opposition to a measure, in the success of which the credit and engagements of the Government were materially involved. He believed that any Minister of the Crown, in former times, could have carried this bill as it was introduced; but the right. hon. Gentleman could only succeed in carrying it for the renewal of the charter for one year, although he anxiously wished to carry it for four years. And this change was effected, because there were some new stipulations with regard to banking in Ireland, which did not please some Gentlemen who opposed the measure. He did not wish at this hour to enter upon the other subjects; but there were one or two other topics which he must shortly advert to before he sat down. If noble Lords would turn their attention to the state of the finances, to which two noble Friends of his adverted a few nights ago, they would find that, notwithstanding there was a large deficiency of the revenue to pay the ordinary expenses of the country, there was to be a still further reduction made in the revenue, and for which no new source of revenue had been obtained from Parliament. They had, in addition to this, also funded a large amount of Exchequer bills, and in doing so they had pursued a course not at all in conformity with that which had almost uniformly been followed on similar occasions; for in funding this large amount they had not made any provision for an additional fund to pay the interest of the increased debt. This was not a state in which things of this importance should be allowed to be; or in which such affairs should be conducted. These matters should always be well considered beforehand, and should be brought forward at a proper time, so that they might be considered, and supported by those who would support them if they were sound measures, and were brought forward at a proper time, and not introduced for the purpose of being discussed at the latter end of the month of August. The noble Viscount had also been pleased to attribute the state of disturbance and dissatisfaction

that prevailed at the present moment to the opposition given in the House of Lords to measures brought forward for the redress of the grievances of the people. He really did not like to interrupt the noble Lord while he was speaking, but he had felt almost disposed to call upon the noble Viscount to state what those measures were, to the loss of which he attributed such serious consequences; he had been trying ever since to recollect what those measures could be to which the noble Viscount had adverted, and he found himself unable.

Viscount Melbourne: Among other things to the opposition offered to the Reform Bill, and to the Irish Municipal Bill.

The Duke of Wellington: The noble Viscount might allude to some Irish measures, but they were alluding to the state of this country; and he did not recollect any measures that had been so rejected, which deserved such a character, with respect to England. He did not know of any measures which had been discussed in that House, or which had been treated in that House, in a way which could be justly designated in any degree at all a refusal to redress the grievances of the people. He was sure that if there were such measures, the noble Lord should again bring forward a discussion of them in that House. But he (the Duke of Wellington) took another view of the cause of the disturbances of the country; and he thought that they arose from a state of circumstances, and he would venture to submit them to the noble Viscount, in answer to that part of his speech in which he was kind enough to attribute the disturbances to the House of Lords; he believed that these disturbances originated in the unnoticed and unpunished combinations that were allowed by the Government to exist, whether as Political Unions, or as Trades' Unions, or as other combinations—clearly illegal combinations amongst workmen, to force others to abandon their work, who work at prices different from those at which they were content to work, and at which they had agreed to work for their employers. These combinations had gone so far in some parts of the country, and more particularly in the north of England, and indeed throughout almost the whole of the northern part of the island, as to threaten destruction to the trade and credit of the manufacturers; and at last they had ar-

rived at that state, and had spread to that extent, that the country was brought to the situation in which it was at the present moment. What were the Chartists who were found marching about the country, and engaged in the disturbances that prevailed? He had enquired a great deal into the subject, and the result was, that he believed that they were nothing more nor less than persons combined for the purpose of driving other persons engaged, whether in manufactures, in the collieries, or agricultural pursuits, or in other districts, from their work, for the purpose of destroying machinery, and of increasing the wages of the workmen, and of interfering with the capital of the employers, and thus striking at the very root of employment, and of the subsistence of the people, and at the foundation of the manufactures and the commerce of the country, and of all its prosperity; and this was altogether owing to the want of early notice taken of their proceedings by the Government, and of carrying into effect the execution of the law against those engaged in such illegal proceedings, and in the punishment of their committal for trial, and it was also partly to be attributed to the unfortunate selection of magistrates which had recently been made, particularly of the magistrates appointed in the corporations; and, above all, in the newly-formed corporations of Birmingham, Manchester, Bolton, and other towns. The noble Viscount might depend upon it, that until the Government could induce the Parliament to entrust them with powers for the purpose, they could not ensure the peace of the country. The military establishments in this country were not now kept up to nearly the proper proportion or amount of force that was requisite. He believed that even in the disturbed districts they had not establishments equal to what were formerly the ordinary peace establishments of the country. A regard to this was necessary, as the peace of the country was to be maintained. They should also look for a due execution of the law, and that those that were tried, and convicted, and sentenced for punishment, should not rashly be allowed to escape; and also as regarded the sort of persons connected with these combinations, who had instigated those parties who had committed these disturbances. The noble Viscount should have censured those who had caused this state of things, and not have indulged

in the observations which he did, with respect to nameless measures which had been rejected by the opposition in that House, and which measures, they were told, were for the redress of the grievances of the people. Having occupied so much of their Lordships' time, he should now conclude with apologizing for having said so much, although he felt that he could not have said less after what had taken place, and after the allusions that had been made to himself and others.

Viscount *Melbourne* stated, that the noble Duke had mistaken some of his observations: he had not meant to say, that the disturbances of the country were owing to the proceedings of the opposition in that House during the present Session, or that the measures for the redress of the of the grievances of the people had been particularly rejected during that period. The noble and learned Lord had argued, that the disturbances, which had prevailed in certain districts were owing to the encouragement given to those persons by the Government and their supporters, and he, in reply, asserted and argued, that they were rather to be attributed—and he spoke generally—to the opposition that particular measures had met with on former occasions. For instance, he meant, as much as anything, the opposition and treatment that the Reform Bill experienced in this House.

The Marquess of *Normanby* had not intended to have taken part in the present discussion, but he felt called upon to make a few remarks, in answer to some of the observations that had been made by the noble Duke, with respect to the department of the Government with which he was connected. With respect to the motion, he was sure if the noble and learned Lord had thought that any practical result would have followed from it, he would have brought it forward at an earlier period of the Session. The noble and learned Lord had designated his motion a review of the proceedings of the Session, but the noble and learned Lord should have brought it forward at a much earlier period, when there was a fuller attendance of Peers, as all the important measures were before the House at that time, and he might have left out those that had been dealt with at the latter end of the Session. The noble and learned Lord would then have had ample opportunity of adverting to those bills to which he had chiefly directed his

observation, namely, to those mentioned or alluded to in the Queen's Speech. The noble and learned Lord had spoken of the means by which the Government should be carried on; and if he had brought forward his motion some time ago, he would have had the attendance of many of those noble Lords who generally took a leading part in the debates of that House, and they, probably, would have given their opinions; but he was by no means sure that any of those noble Lords would have coincided in some of the opinions expressed by the noble and learned Lord. The noble Duke had been pleased to give him some advice as to the department with which he was connected, and if he thought that the noble Duke had taken a correct view of the facts of the case, he should follow the noble Duke's advice. The noble Duke had taken in review the circumstances of some of the colonies, and trusted that he would not allow himself to be influenced by certain factions which existed in the colonies. He could assure the noble Duke that he was not aware of any such factions having any influence in his office, and certainly he trusted that they would produce no effect on his mind. He was sure that the noble Duke was very much mistaken as to there being so much and such extensive disorganization in the state of society in Jamaica, and the other West India colonies. He had the best reason for saying, that in by far the greater portion of these colonies, no persons could behave in a more exemplary manner, or with greater propriety, than the great bulk of the emancipated population. There always was a certain degree of excitement on the surface of colonial society, but this, he was happy to say, had been much allayed in the West India Islands since the passing of the Emancipation Bill. He did not wish to say anything calculated to revive, by any reproachful language in that House, the state of excitement that had prevailed in Jamaica, for he was in hopes that means would be taken by the right hon. Gentleman to whom the government of that important colony had been entrusted, by which they would be enabled to come to a good understanding with the House of Assembly of Jamaica. He would not say more in answer to the observation, that if the Legislative Assembly of that colony was deprived of its legislative functions, that the island would not be a fit and proper residence for persons of property, than,

that since the time when the news arrived in the colony of the probability of passing the first Jamaica Bill, that property had increased in value twenty per cent. He believed and trusted, that those to whom the government of that colony had been entrusted, would perform their duties in such a satisfactory manner, as to preserve and extend this state of things; he would not say more on this subject. The noble Duke had also alluded to Upper Canada, and said that he did not know on what intelligible ground they had abandoned the introduction of the Canada Bill for the union of the two provinces. Before this had been done, papers had been laid on the Table of the House, which described the alteration of opinion that had taken place in some parties, and the excitement of feeling that had been manifested by others on this subject. His noble Friend, who had been Governor of the Canadas, had been received with the most marked attention, and with the greatest enthusiasm, by certain parties there; but this appeared to have excited some strong feelings of opposition in the minds of the opposite party in the colony, which seemed disposed to dispute many of the recommendations that had been made by his noble Friend. At the same time, some recent information had been received from the Lieutenant-governor of Upper Canada, relative to the resolutions that had been agreed to by the House of Assembly in that colony, relative to the union of the two provinces, and also as to the terms or intentions with which the legislative council of the colony would agree to such union. Sir George Arthur stated, that he trusted no legislation would take place on this subject in the present excited state of feeling, for it was not likely to be attended with beneficial effects. The information received from the gallant Officer, as well as that which had been derived from other sources, had been such as to induce the Government to give up their intention to proceed with the bill during the present Session. With respect to the state of the island of Newfoundland, to which the noble Duke had also adverted, and which he declared to be in a state of confusion, he would beg noble Lords to recollect that two petitions were presented in the early part of the Session from that colony from opposite factions there, the one by a noble Friend of his (the Earl of Durham) and the other by a noble Earl opposite (the Earl of

Ripon), containing allegations directly contradictory as to the state of Newfoundland. These two petitions were presented on the same day, and they emanated from two parties most violently opposed to each other. In consequence of this, he had sent out instructions to the Governor of Newfoundland to make inquiry into the subject. The report from him had been received within the last few days, and as it contained some important matter, and involved considerations of magnitude, it would require attention as to the steps that it might be deemed advisable to take; but, at the same time, he could assure their Lordships, that those who had described society in that colony as being in a state of insecurity or confusion, had been guilty of gross exaggeration. He would not say more on this subject at present, but, in justification to the colony, he felt bound to say these few words. The noble and learned Lord had dwelt in his opening speech on the state of feeling in the country, and the want of confidence that existed in the Government on the part of the legislature, as well as the people. If such a state of things existed, it was very extraordinary that the noble and learned Lord should have reserved his declaration and speech on the subject until nearly the last day of the Session, instead of introducing it when there was a fuller attendance, and when many noble Lords were present who were accustomed to take part in the debates in that House. If there was such a strong feeling in the country against the Government, and if there was such an entire want of confidence in them, and satisfaction at their measures, it was not a little extraordinary that there appeared to be an equal, or even a less want of confidence in the opposite party. If such was the opinion of the country, it was extraordinary that the opposition in the House of Commons did not bring matters to a trial as to the mode in which the government of the country should be carried on. If such was the want of confidence on the part of the country, why did not the noble Lords opposite, and their party, at once try their strength on this point? The noble and learned Lord on this side of the House (Lord Brougham), as well as the noble and learned Lord opposite, had used some very hard words as to the legislative proceedings of the other House. The noble and learned Lord near him also brought the charge, and it certainly did

did appear a little extraordinary against his noble Friend in having departed from the principle of Government on which his noble Friend came into office. To a charge of this kind he could only give a direct and positive denial. He was not aware that his noble Friend, or his other colleagues in the Government, had manifested any change of opinion, or used language indicative of an intention to resist any measures of reform which they had formerly supported. It was to the principle of progressive reform that his noble Friend pledged himself when he formed his administration, and to that he knew that his noble Friend was determined to adhere. The noble and learned Lord had also used some harsh words as to some observations that had fallen from a noble Friend of his (Viscount Howick) in the other House on the subject of the ballot. It had been already stated on authority in that House, and his noble Friend had spoken elsewhere for himself, and declared that what he then expressed was his own individual feeling, and that he believed that by adopting the ballot as an open question, the chances of carrying it would be diminished. This was not the opinion of the noble Lord's colleagues, and, for his own part, he wholly dissented from it. Again, he did not think that the noble and learned Lord was justified in saying that any defects in the action or operation of the Reform Bill were attributable to the Government. It was true, there might have been a less decided majority in the two last Parliaments than was desirable in support of those opinions so often and for so long a time expressed and supported by the noble and learned Lord, and by himself. But still the Government was supported by a majority, though a narrow one. He admitted that the smallness of the majority was a great misfortune in the present state of the country. They were told that the proper legislative measures required by the country could not be carried in consequence of this state of things. But what would be the effect of a change in the Government? If the noble and learned Lord opposite, and those who acted with him, became parties to the formation of a Government, would he not be opposed to the majority of the other House on the subject of national education—would he not differ from them on the subject of the Portuguese slave-trade? Could he get support on the subject of the

Government of Canada? and this would also be the case with several other subjects to which he could allude. He did not conceive that by the alteration of the relative positions of parties, notwithstanding any thing that the noble and learned Lord might think to the contrary, the progress of legislation would be materially improved. The noble and learned Lord near him had always professed principles of reform, and, as he believed, sincerely supported those opinions that he professed; but he believed that now the noble and learned Lord would find hardly any person in either House to support him in the course that he had thought proper to adopt. Unfortunately, he differed materially from the noble and learned Lord on the opinions he now expressed—the noble and learned Lord might be right and he wrong—but still he felt convinced that the noble and learned Lord would get little support in the course that he had recently pursued. The noble and learned Lord had dwelt on the advantage that would result from noble Lords opposite coming into office, and how much the cause of Reform would be advanced by such a course. He was not sure that if there was a fuller attendance of noble Lords opposite, that they by their language would adopt this view of the subject, or would prove that the cause of constitutional reform would be promoted by giving the Government to those who had always opposed it. If this was the case, he admitted that it would be desirable that the Government should be changed, and that office should be given to those who had the inclination as well as the power to carry out the principles of the Reform Bill.

Lord *Brougham* said, that the noble Marquess had totally misunderstood the language that had fallen from him; but as this was also the case as to what had been said by the noble Duke and his noble and learned Friend, he would not complain. It had been assumed that a great change had taken place in his opinions, or in the sentiments that he professed. He believed that for the first time, in November, 1837, the doctrine of finality was preached in another place, by a leading Member of the Government. He dared say he should be told that he was wrong, but he did not know it. He believed that this was always professed to be the principle of the Government when abuses were brought forward, but they took care

never to bring it forward at elections. The truth was, that the noble Marquess was too much engaged in Ireland to know what took place at the time of the elections. When, however, a change took place, and there was a new court, the Government seemed more than ever attached to the doctrine of finality. It was then said, in another place, openly and candidly, that the Reform Bill was given as a sort of sop to the agricultural interest. This, however, was very carefully not said before the elections; for it had been said, instead of the very small majority the Government now found themselves in, they would have found themselves in a very small minority. The noble Marquess had challenged him as to the number of persons who supported him in the course that he took. In reply, he would only beg the noble Marquess just to take the trouble to see how many would be his followers if he were out of office. The fact was, that no person presented petitions from so many bodies every afternoon as he did, and upon almost every subject. He should like to know what bodies corporate or not corporate, or meetings of patricians or plebeians, of those engaged in trade, would send their petitions through the noble Marquess. No Member of either House of Parliament had been so often asked to preside over public meetings by all classes of the Liberal party as he had been; and he had been strongly urged to form a party by all Reformers who truly stood by the Reform standard, and he would very soon produce a proof of it. He did not want to be the leader of a party, for he had been long enough leader in the House of Commons; and God knew that he never led a more slavish life. He did not know that the noble Marquess would ever be the leader of a party. If he were, he felt satisfied he would pretty soon get rid of all his followers.

The *Lord Chancellor* said, that his noble and learned Friend had alluded to the legal reforms referred to in the Queen's speech. Two measures were intended to be introduced by the Government, one relative to the Ecclesiastical Courts, and the other to the Court of Chancery. But previous to the first measure it was necessary to bring in a measure relative to the discipline of the Church, and one had been introduced at the early part of the Session which he thought had met

with the support of the majority of the right rev. Bench. Unfortunately it was referred to a select committee, over the deliberations of which he could have no control, which, such were his avocations elsewhere, he could not attend. The bill was so altered by that committee—provisions, in his opinion, so extremely inadmissible were introduced into it—that when it again came into their Lordships' House, he felt himself under the necessity of stating, that he could not consider himself responsible for it, and that he could not permit it to go down to the House of Commons as the measure introduced by him. Nevertheless, he voted for the third reading, hoping, that in the other House it might receive such alterations as would render it a more effectual measure when it came back to their Lordships' House. The House of Commons, however, took a different view of the subject, and the bill became one of those to which the noble and learned Lord had alluded as having been abandoned. He could not but regret that the House of Commons had taken this view respecting the measure, but having done so, the ultimate settlement of the question became, for the time, as difficult, and indeed as impracticable, as it had been in previous Sessions. This, however, was no fault either of his own or of the Government; it was the result of the alterations made in the original measure by the Select Committee of their Lordships' House. The other subject to which he would refer was that of the projected changes in the Court of Chancery. At an early period after he first had the honour of a seat in that House, he had given their Lordships reason to see that he was not inattentive to the wants of that court. He early introduced two bills—one, to give more strength and efficiency to the Court of Chancery, the other, to alter the system by which the judicial business of their Lordships' House was administered. His noble and learned Friend thought it right to move the rejection of both those measures. Two Sessions passed over, and no bill or bills were introduced in place of them. But the evil had by that time become so pressing, and the injury to suitors in the Court of Chancery so great, that he (the Lord Chancellor) felt he could not let the present Session pass without some attempt to remedy that evil. His noble and learned Friend might re-

member, that early in the present Session a communication took place between them on the subject, and that he then pressed upon his noble and learned Friend the desirableness of their agreeing upon some measure of a remedial nature. That proposition was then received by his noble and learned Friend in a very friendly way, and he did hope that there would have been a co-operation on his part towards the attainment of the object. On the return of his noble and learned Friend to this country after Easter, that communication was renewed, and he was then glad to observe his noble and learned Friend give notice of a motion for the production of returns, the object of which motion was, to bring the subject of the existing state of the Court of Chancery and the measures necessary to reform it before the House. The result of that motion he awaited, thinking that it would probably create an opening for the successful consideration of the subject, and that he might reckon on the assistance of his noble and learned Friend towards the accomplishment of the object he had in view. How surprised, therefore, he naturally was to find himself now blamed for not having introduced any measure on the subject. The views of his noble and learned Friend differed from his own on the question. He found that what he considered essential for the due reform of the court, was a much larger measure than his noble and learned Friend would be ready to concede, and that his noble and learned Friend offered to co-operate to the extent of only a small part of what he considered so necessary. The question then arose, how far the acceptance of that smaller measure would prejudice the object of attaining the greater at some future time. He therefore consulted those whom it was necessary to conciliate on the subject, and he found, that if he brought forward any measure this Session for the attainment of the greater object, he would have to encounter the interests and the influence of others, without being able to reckon on the co-operation of his noble and learned Friend to the extent which he felt to be absolutely necessary. He then considered whether it would be more for the public benefit that he should take, this Session, the smaller measure which his noble and learned Friend was prepared to concede, or that he should postpone the whole subject until the next Session of

Parliament, in the hope that those adverse interests would by that time be reconciled, and the measure which he thought necessary introduced with some prospect of success. The difference between introducing the measure at the close of the present and the commencement of next Session would not be considerable. Making allowance for the long vacation and the Christmas vacation, there would not be more than three months of actual sitting in the Court of Chancery, before the measure could be introduced next Session. Under these circumstances, and feeling that to accept the smaller measure now would endanger the more extended one ultimately, he resolved to defer the subject until next Session. He had felt himself called on to say thus much in explanation of the non-introduction of the two measures in question this Session; but, at the same time, he must be allowed to add, that beyond the next Session of Parliament, the consideration and settlement of this important subject ought not to be deferred—whether the smaller or the larger measure was agreed to, the subject must then be disposed of. He trusted that next Session he would meet with the support of his noble and learned Friend, and that he would then be a little more liberal in his concession on this subject.

Lord *Lyndhurst* maintained, that in what had fallen from him on the subject, he had merely stated the facts—that a measure for the Reform of the Court of Chancery was promised in the speech from the Throne, and for seven months no attempt had been made to introduce any such measure. With respect to what had fallen from the noble and learned Lord as to the Church Discipline Bill, it was undoubtedly true. But he supported the third reading of that measure; and it went down to the other House as a Government measure. But there no notice was taken of it; it was not read a second time, nor was it committed, but it was at once and entirely abandoned. With regard to the measure for the reform of the Court of Chancery, the noble and learned Lord went three years back, and said he opposed the bill which the noble and learned Lord then introduced. That was quite true, but it was equally true that even noble Lords who supported Government, agreed with him in so doing. The course he (Lord *Lyndhurst*) took on

that occasion, was not because he did not wish to see a reform in the Court of Chancery, but because he could not give his assent to that particular measure of reform which the noble and learned Lord introduced. It was also quite true that the noble and learned Lord, in the early part of the present Session, asked him whether he would give his support to a measure for the reform of the Court of Chancery, to which he replied in the affirmative. But the noble and learned Lord did not propose any specific measure, and in consequence of that silence on the part of the noble and learned Lord, he brought forward the subject. He certainly had understood the noble and learned Lord then, to assent to the proposition that there were not sufficient judges in the Court of Chancery; that there was an arrear of 700 causes; and that the first measure ought to be the appointment of a new judge. The noble and learned Lord expressed a wish for a more extended reform, but to that limited proposition, the noble and learned Lord in the mean time assented. It was a proposition which met with the assent of the whole profession, and he would venture to assert, that if a bill had been at once introduced, it would have passed that House in a week, and have passed at once through the other House. The noble and learned Lord argued, that between the introduction of the bill this Session and early next Session, there would be no practical difference—that at the utmost the Court of Chancery could not sit for actual business more than three months. This might be all very true, as regarded the interval of time between the opening of the next Session and the close of the present, but the noble and learned Lord did not take into account the time that must elapse during next Session before the bill could pass through both Houses. Much more than three months time would then be lost to the Court of Chancery. It did not appear whether the noble and learned Lord had actually prepared a bill on this subject, but he had never brought it in. The noble and learned Lord was as well aware of the urgency of the case as he was, and he had left it in the noble and learned Lord's hands. It was not his intention to go into a general reply, but he must advert to what had fallen from the noble Marquess on the subject of the abandonment of the Canada Bill. The noble Mar-

quess said that the bill was abandoned in consequence of the arrival of intelligence of resolutions agreed to in the House of Assembly of Upper Canada. Why, he (Lord Lyndhurst) was in possession of these resolutions several weeks before the abandonment of the measure in question. [The Marquess of *Normanby*: The resolutions were by the Legislative Council.] Yes, and I had those also a considerable time before the abandonment of the bill. The noble Marquess refers probably to alterations in them, but those were adopted within three days after the resolutions themselves were agreed to. Both the original resolutions and the altered resolutions, arrived in this country long before the Government abandoned the bill.

The Marquess of *Normanby*: the last resolution of the Legislative Council, arrived the very day on which the bill was withdrawn by the noble Lord in the other House of Parliament

Motion agreed to.

HOUSE OF COMMONS,

Friday, August 23, 1839.

MINUTES.] Petitions presented. By Sir R. H. Inglis, from the Bishop of Australia, against any new Appropriation of Land for the Support of the Established Church.—By Mr. O'Connell, from Banagher, for Inquiry into the Affairs of a Charity School in that place.

DUKE OF MARLBOROUGH'S PENSION.]

The Chancellor of the Exchequer moved the third reading of the Duke of Marlborough's Pension Bill.

Mr. *Wakley*, objected to the motion. He believed it was incompetent for the right hon. Gentleman to proceed with the third reading in point of form, as it stood among the dropped notices, and not among the orders of the day.

Sir *R. Inglis* regretted, that any matter of form should be adduced as an obstacle to the progress of the bill. He should certainly support the motion for the third reading.

Mr. *O'Connell* had lately said, that he never knew the Government in the wrong, without receiving the support of the hon. Baronet, the Member for the University of Oxford. He was, however, bound to make this case an exception, and had great pleasure in expressing his intention of voting along with the hon. Baronet on the present question. He had examined it judicially, as a member of the committee, and had no doubt whatever, that a more fair and honest claim than that of

the Duke of Marlborough, to have the tax of one and sixpence removed, never was brought before Parliament. This bill was merely a measure of tardy justice. He had no notion of a statute of limitations being set up by a great nation as a ground for refusing redress to any individual. He must say he regretted that some of his hon. Friends near him should have opposed the bill, because they had nothing but a mere point of law to stand upon, and the advocacy of such objections by them on this question, could only tend to weaken the weight of their exertions on other occasions. He should certainly support the bill, and feel great satisfaction in voting with the hon. Baronet the Member for the University of Oxford.

Sir C. Grey entertained grave doubts, whether the Duke of Marlborough was not only entitled to the relief proposed by the bill, but also to the arrears for thirty years.

Mr. Hume would advise his hon. Friend the Member for Finsbury, not to persevere in his objection on the point of form. He must, however, declare his continued opposition to the bill. The pension had been taxed under an Act of Parliament; and if injustice was done, the party ought to apply for redress to a court of law.

The House divided on the question that the bill be read a third time :—Ayes 49; Noes 5: Majority 44.

List of the AYES.

Adam, Admiral	Howard, P. H.
Aglionby, H. A.	Inglis, Sir R. H.
Baring, F. T.	Irving, J.
Bernal, R.	Loch, J.
Broadley, H.	Lowther, J. H.
Callaghan, D.	Mackinnon, W. A.
Campbell, Sir J.	Macleod, R.
Chetwynd, Major	Morpeth, Lord Vis.
Chichester, J. P. B.	Morris, D.
Cowper, hon. W. F.	O'Connell, D.
Dalmeny, Lord	Palmerston, Vis.
Dick, Q.	Parker, J.
Douglas, Sir C. E.	Pechell, Captain
Ellis, J.	Rice, rt. hon. T. S.
Ewart, W.	Rolfe, Sir R. M.
Freshfield, J. W.	Russell, Lord J.
Gordon, R.	Sanford, E. A.
Greig, D.	Sheil, R. L.
Grey, rt. hon. Sir C.	Smith, R. V.
Grey, rt. hon. Sir G.	Stanley, hon. E. J.
Harcourt, G. G.	Surrey, Earl of
Hawes, B.	Troubridge, Sir E. T.
Hill, Lord A. M. C.	Wood, C.
Hobhouse, T. B.	TELLERS.
Hodges, T. L.	Steuart, R.
Hoskins, K.	O'Ferrall, R. M.

List of the NOES.

Hector, C. J.	Vigors, N. A.
Hindley, C.	TELLERS.
Hume, J.	Wakley, T.
Scholefield, J.	Finch, F.

Bill read a third time and passed.

BANK OF IRELAND.] The *Chancellor of the Exchequer* moved the Order of the Day for receiving the report on the Bank of Ireland continuance bill.

Mr. Hume said, as this would be the last opportunity he should have to address the House on the subject of banking, or on the state of public credit, he wished to make some observations as the Session was about to terminate, on the state of our monetary system. He must state that things were in a very unsatisfactory position, both as regarded the general commercial, and financial affairs of the country—he hoped they would improve before they met again; but that it would be an abandonment of his duty, after the many warnings he had given in the course of the three last Sessions, to allow Parliament to separate without placing on record his opinions in their present state. Was it not to be greatly regretted, that England, the richest state in Europe, should, by the mismanagement of its monetary system, be unable to carry on its commercial enterprises, or to maintain the public credit, without having recourse to bills of accommodation in another country? What could more distinctly show the erroneous principles on which we had managed our money matters, than the humiliating fact, that the Bank of England, to prevent the entire drain of its bullion, had been compelled to have recourse to draw bills purely of accommodation on the Bank of France, through the bankers in Paris. Such was the truth, and he found that it would have most injurious effects on the character and credit of this country. He believed, that one principal cause of the present disastrous state of the monied interest in London; and, he might include, of every other disastrous monetary crisis, that had taken place during the last twenty years, is the conduct of the Bank of England. And he particularly mentioned that, now in the midst of our difficulties, because he had more than once attempted, by motions in this House to bring the subject before Parliament; and, if the enquiry he had sought for, had been granted, he

would then have exhibited the system in all its deformity, in order that a remedy might have been devised—we should not now have seen the country in its present humiliating situation. He must say, that it is a gross dereliction of its duty, on the part of the Legislature, to allow the Bank of England to increase or diminish the quantity of money according to its will and pleasure, and, thereby affect the value of every man's property in the kingdom—that, if it were proposed, that our measures of length and capacity, instead of being fixed, uniform, and determinate, should vary according to the notions and discretion of certain individuals, or public bodies, or associations, all men would cry out against it, because it would be at once evident, that this would work mischief and produce infinite confusion in the affairs of the community, and render the value of all property sold by weight or by measure, fluctuating and uncertain. If the seller of cloth could at his will and pleasure, shorten the yard measure to thirty, instead of thirty-six inches, or reduce the length of the foot to eleven inches, or the merchant sell by the pound of fourteen instead of sixteen ounces as he pleased—how great would be the uncertainty of the buyers as to what they were to get for their money. But, although it is not perhaps so obvious, at first sight, yet nothing is more sure and infallible, than that an arbitrary and varying standard of money, produces exactly the same effects on the value of every kind of property, as a varying measure of length or capacity—that other causes may disturb the currency was most true, but if the Bank of England did its duty, it would prevent, instead of increase the fluctuations from such causes. That the present state of things must be a great interruption to our foreign trade may be easily discerned—First, there is the uncertainty respecting the position of the Bank of England, and, after the experience of former crises, prudent men will be very cautious in their transactions with this country, and how they intrust our merchants with goods and money, and for this obvious reason, that if the Bank should stop specie payment, there would probably be a great decline in the prices of goods, as well as in the exchanges which would produce great losses. The next obstacle arises from the excessive, and, at the same time, fluctua-

ting rate of interest. The foreign merchant who consigns goods to the country for sale, is in the habit of drawing bills against them, and the English merchant charges interest on the advances until the sales of the goods shall be effected—hitherto the charge for interest never exceeded five per cent., often less. But, now, under the altered state of the usury laws, the charge for interest will be very varying and uncertain, according to the credit of the individuals. All these changes must necessarily interfere with, and impede our foreign trade. The conduct of the Bank of England in the late transactions with the banks in Paris, will greatly, he feared, sink the credit of this country. The interest, or discount on commercial bills in the city of London was at present from six to ten per cent.; whilst, in Paris, the interest was 4 per cent., and at Lyons and other places in France, only 3 per cent. In Holland the interest was only 4 per cent. In Ham-burgh, where the currency is metallic, the interest is generally lower than in Eng-land; but at present it is 5 to 5½ per cent., owing to large exports of silver to Russia. The panic in the money-market does not exist anywhere else than in England, and the present state of things had a peculiar cause which he (Mr. H.) attributed to the Bank of England. By these changes in price, and uncertainty of discount, every commercial transaction must be subjected to great uncertainty and risk; and England, instead of being the grand entrepôt where produce for the whole world used to be placed, must gradually lose her great commerce, and the best interests of the country be consequently undermined. It would be better, by far, that we should have a pure metallic currency, than thus to have a mixed paper and gold currency, subjected to the ever-varying and great fluctuations which had of late years taken place—and as the Usury-laws allow of variation in interest according to the demand of money, it behoves Parliament to see that measures are adopted to render our currency more steady in value, and that could not be effected until the power now possessed by the Bank be taken away. He objected to the continuation of the monopoly of the Bank of Ireland, as entailing some of the evils of the Bank of England monopoly. It was said, and he admitted, that the Bank of Ireland had acted liberally towards the Government,

in funding the 50,000 Exchequer Bills at the same price as the Bank of England had done. But the present state of the money market made it difficult for the Government to make a beneficial arrangement of its funds; and the result had been, that the Government had been placed at the mercy of the Bank of Ireland, instead of having the Bank at their mercy. The whole question of our banking system, as well as of our currency, must, by the bill now before the House being only for one year, come before Parliament early next Session, and he hoped by that time that measures would be adopted to present such a state of things as could admit of the Government, in what they considered an important measure, being beat by a small minority in this House. He would tell the new Chancellor of the Exchequer, whom he now saw in his place, that he was about to undertake a task of no easy accomplishment, the re-establishing the credit of the country; and any attempt to regulate the monetary affairs of the country, while they were vested in the select body—the directors of the Bank—who were actuated by private views, and a regard to their own interests, would prove a Herculean task. The repeal of the Usury-laws had placed the commerce of the country, both domestic and foreign, on a footing quite different to what it ever had been. Formerly merchants might calculate, as he had stated, with certainty on the rate of interest to be charged for advances; but now they were subject to a varying and grinding charge of 10 to 15 per cent. The consequence must be a discouragement of all foreign commerce; and if the Government would not attend to this evil, he hoped the intelligent British merchants would see the ill effects of these constant fluctuations, or they would be wanting to their best interests, and act contrary to their usual prudence and circumspection. The Government might long ago have taken the subject up. They should have prevented these capricious alterations of the monetary system, which, from time to time, put an end to business. What could be more prejudicial to a healthy trade than these “ups and downs” of business and of prices—now excited, active, and bustling—now dull, unemployed, and languid—producing greater losses to the merchants and manufacturers, and more misery to the in-

dustrious classes than any man would imagine possible who had not given his careful attention to the subject. He would repeat, that in Hamburgh and other countries where there was a metallic currency, that the fluctuations of interest, of prices, and of trade, were fewer and less, than in this and other countries with a paper and mixed currency. He would not object to the bill now before the House, although he had good reason to complain of the Chancellor of the Exchequer that he was not doing justice to Ireland by introducing the bill so late in the Session, and in allowing the monopoly to continue even for one year longer than the Chancellor had given. He thought that the advantages which had been proposed in the bill for five years, to the joint-stock banks within the circle of fifty miles round Dublin, ought to have been conceded in this bill. He saw no good reason why they were not conceded in this bill, they ought not to be allowed to continue one day longer than were by law granted. We were now in great difficulty through the mismanagement of our currency. But he felt convinced, that unless effectual measures were taken with the currency next Session, that evils of a greater magnitude would take place.

Mr. O'Connell would not oppose the bill, but he trusted the House would allow him to make a few observations. He would not enter into the state of the banks at Paris and Hamburgh, but he must protest against some of the heresies of his hon. Friend, the Member for Kilkenny. He had said that the Usury-laws did not make money cheap. He could not agree to that. He believed the reverse was the fact, and that their repeal had encouraged exportation. With respect to the present measure, it would give an opportunity to her Majesty's Government to consider what course they would pursue in the next Session. He trusted the Government would be prepared with some fixed plan. If they wished to do away with the money making portion of the system of banking, they ought to declare at once that such was their intention. The people of Ireland, before the next Session, would be perfectly informed—indeed they were so already—as to the great risk of continuing the present monopoly. He could remember the melancholy results produced in Ireland by the transition from paper to gold. The narrowing

the currency was always attended with evils. If the Government were determined to support it, let them declare their opinion at the earliest moment, and he should be prepared to meet them foot to foot. When he saw the success of the Scotch system of banking, he could not for a moment hesitate to believe that it would be found equally advantageous in Ireland. It had been said that the Irish were deficient in that prudence and attention to their interests which would be necessary to insure the success of a system of joint-stock banking; but let them look at New York, and they would find that amongst the most wealthy and industrious of the commercial men there the Irish, in proportion to their numbers, constituted a large majority. The multiplication of these banks, instead of increasing a spurious and unsubstantial circulation, would produce increased vigilance, while the weekly exchanges would counteract the tendency of any bank to over-issue. He believed, wherever the system had been introduced, it had been found to be eminently successful; and he hoped, ere long, to see it extended to every part of Ireland. Let the Government deal fairly and justly with all; let there be a universal limitation, if it was thought necessary, but let them have no partial one. What had the Bank of Ireland ever done that it should be so favoured? The people of Ireland were anxious to know what that corporation had ever done to deserve the high eulogium passed upon them by the Chancellor of the Exchequer—of course he spoke of them merely as a corporation. Much had been said of their liberality; but it had been of a forced description, such as that narrated in "*Gil Blas*." They had displayed a vast deal of generosity; but not until they had the blunderbuss presented at their heads. Any attempt to continue the monopoly of the Bank of Ireland in the next Session would meet with his most determined opposition; and he knew that he should be backed by the sober and industrious and intelligent merchants and manufacturers of Ireland, whose opinion the Government must bow to.

The *Chancellor of the Exchequer* did not rise to continue the discussion upon the bill, which had so often been gone into but to correct some of those errors into which the hon. Member for Kilkenny had fallen, and more especially with reference

to the partial repeal of the Usury-laws. No person giving heed to the subject could for a moment attribute our present difficulties to that cause. The effect of the usury laws was to restrict accommodation in money. Practically speaking, the Legislature abandoned the usury laws [the moment they adopted the principle of annuities. The hon. Gentleman had stated correctly that the rate of interest was higher in England than it was on the continent. That he admitted, but the mere rate of interest on temporary accommodation must not be taken as the actual rate of interest in the money market of this country. The rate of interest on mortgages had not risen at all in proportion to the rate of interest that was represented by the money advances on bills; on the contrary, there was a facility of obtaining money on good mortgages at as reasonable a rate as before the Bank of England raised its interest. Even the funding of the four millions had been completed (for he had now the honour of announcing it was completed, that operation having taken place at one o'clock this day) at 3*l*. 6*s*. per cent—that being the amount of interest which the country would have to pay. The hon. Member for Kilkenny attributed the high rate of interest altogether to the Bank. But he had omitted to make any allusion to the corn-laws, which were really at the root of the question. It could not be expected that the country should make payment for five millions of foreign corn, and that that should not create an exchange against this country, and render banking accommodation higher than in other countries. He thought the course pursued by the hon. Member was very unjust. It diverted the attention of the people of England, and of the public from the real cause of our difficulties. If we had a more equal and steady trade in foreign corn, and if the imported corn were paid for, as it ought to be, by the exported manufacturing produce of this country, we should be exempt from those harassing fluctuations to which the commerce of the country was exposed, and from those severe pressures in the monetary market which had been lately experienced. He would not now go into the general question of banking in this country. It was sufficient for him to say that he adhered to the school of economy, which he had been accustomed to consider as a sound one—a school supported by the practical

opinions of some of the most intelligent men in any country—such men, as Mr. Loyd, Mr. Norman, Mr. Horsley Palmer, whose scientific knowledge was brought to bear on the subject, supported by the weight of their practical experience. The hon. Member for Kilkenny had talked of accuracy, but he should be careful how he mentioned that; for just to show how correct the hon. Member was sometimes, a recent French author of eminence on finance, had stated that there was an error of 36,000,000*l.* in the public accounts of this country. But, on inquiry, he found that the French author's mistake arose from his having taken as his authority a resolution moved in that House by the hon. Member, which, however, was negatived without a division. [Mr. Hume: No such thing.] He had the work. [Mr. Hume: So have I]. To this he could himself bear testimony, that the hon. Member had made an error of 3,000,000*l.* in the accounts of one year, thus confounding the net and the gross revenue. Before he sat down he would venture to remind the House of the triumphant success of his funding operation, not that he claimed any merit to the Government for it, beyond their having adopted a right principle—a principle by means of which the transaction had been completed on lower terms than had ever been known before. Now it was completed, he knew it would still be attacked, because it interfered with private profits and individual interests. But although the carrying out of the system had exposed the Government to attack and himself to obloquy, he was content to abide by the result. As regarded the Scotch system of banking, he begged, to observe that the Scotch banks had for a long time been extremely few indeed, and their extended number had taken place so recently, that experience was still wanting to show the results of the system of free competition in that country.

Mr. Hume begged, in explanation, to state, that he never had objected to the Usury-laws' relaxation, or had said that they made money dear; he had been, from his first entry into this House, the steady advocate of the repeal of those laws, and, twenty years ago, had voted with Mr. Serjent Onslow in all his motions for their repeal. What he had said was this, that as the fluctuation of the interest of money, and of the rate of discount, were rendered greater by the repeal of the

Usury-laws, it was the duty of Parliament to render money, the standard of value, more steady in its value, if possible; which he repeated. He was much surprised at the Chancellor of the Exchequer's allusion to an error of 36,000,000*l.* in the public accounts, as if to state to the House, that, as he (Mr. Hume) had formerly made an error to so large an amount, the House ought to receive with caution any statement from him. He (Mr. Hume) stated to the House and the country, that, in his examination of the public accounts for 1793 to 1822, he had discovered that 36,000,000*l.*, part of 600,000,000*l.* borrowed during that time, the account of the Exchequer had omitted to give credit to 36,000,000*l.* of that amount; and he had, in his finance resolutions submitted to the House, exposed that error. Monsieur Baillie, the Inspector-general of Finance, the foreign author alluded to by the Chancellor of the Exchequer, had in his book alluded to that error; and the right hon. Gentleman spoke as if I had made a mistake, which the French author had adopted. The House would be surprised to learn, what the Chancellor of the Exchequer did not know, that Mr. Herries, the Secretary to the Treasury, took the trouble to inquire into the causes of that extraordinary error, and, having discovered the causes, had given him (Mr. Hume) an explanation, which the House would immediately comprehend. Every loan was made payable at the Bank of England, and an allowance of five per cent. made to all subscribers who paid up their instalments of the loan. For example: if a loan of 5,000,000*l.* were contracted for, and five per cent. discount allowed, the Bank would only receive 4,750,000*l.*, and that amount only would be paid into the public Exchequer, and credited in the public account; and it would be easily calculated, that the discount on 600,000,000*l.* or 700,000,000*l.* of loans would amount to about 30,000,000*l.* There was another item causing that error of 36,000,000*l.*, which the Chancellor of the Exchequer did not seem to know. When Mr. Pitt borrowed 5,000,000*l.* for the Emperor of Germany, the money was paid into the Bank of England, and thence remitted to Vienna; the principal sum was never entered in the accounts of the Exchequer, although charge of interest, when we took upon us the debt, was entered by them. Those 5,000,000*l.*, with the discount

and other items, had occasioned the error which he (Mr. Hume) had found out. The Chancellor of the Exchequer was, therefore, altogether wrong, and he, and the French author, who had stated the fact on his (Mr. Hume's) authority, were quite right. So much for the attempt of the right hon. Gentleman to impugn his (Mr. Hume's) authority, and draw the attention of the House off his own delinquency, in having brought the finances of the country into their present discreditable state, and in having delayed his measure respecting the Bank of Ireland to so late a period of the Session.

Mr. Villiers rose merely to call the attention of the House to one observation which had fallen from the Chancellor of the Exchequer, because he thought, considering the period of the Session, and the state of the country, it was the most important and remarkable that he had heard in that House. He referred to what he had said on the question raised by the hon. Member for Kilkenny, as to the cause of that disturbance of their monetary affairs which now filled all men's minds with anxiety and alarm; that it was his deliberate conviction, after duly considering the subject, and bringing to it all the experience he had as a public man, and all the information he had acquired of late years at the head of the finances of this country, that the cause of all our danger and difficulty was the present state of the corn-laws. This, he thought, was one of the most important declarations in this House on the subject that had ever been made, and one which he trusted, would invite the serious consideration of all thinking men to the subject; for he would ask if ever greater alarm prevailed in the country than there did at the present moment, at the prospects of the next year—whether men were not watching the atmosphere at every instant of the day, and whether they did not believe that the peace or confusion of the country did not almost hang upon the accidents of a cloud; and why was this, but owing to the dependence to which they had reduced themselves upon the harvest of their own country; for with the present commerce in the necessary article of food with other countries, a scarcity of their own supply of food was nearly fatal to them; and now, that they were on the eve of a second year of deficiency, every man in his senses was terrified at the con-

sequences. But he wished the House now to mark the predicament in which the country was placed. A Minister of the Crown, at the head of their finances, declares publicly, that this awful state of things is entirely to be ascribed to the Corn-laws. And yet, what man who has reflected on the proceedings of this House during this Session, upon this question, and who considers how the Legislature is constituted believes, for one moment, that there is even a distant chance of the evil being removed? Now, that was what the country ought to consider. There was an enormous evil threatening the peace, happiness, and security of the country, and yet, under their present system, there was no chance of its removal. All that they had in prospect was a Government directly opposed to any change, or one that it cannot stake its existence upon effecting, though deemed essential to the welfare of the country. How long was that to go on? How long would any man consent to sit in a Cabinet impressed with the fearful evils of these laws, as the Chancellor of the Exchequer appeared to be, and not make it a condition of his remaining in that Cabinet that those laws shall be altered? How long shall it be tolerated that Governments succeed each other, each aware of the mischief and iniquity of these laws, and yet none shall be allowed to liberate the people from their oppression? He saw no prospect of this mischief being mitigated, but by a Cabinet identified with the removal of the Corn-laws. This might bring some to their senses, and there might then be a chance of being saved from the confusion which they were now constantly being threatened on their account. He, indeed, now did not see how this could be avoided, after the alarming but very just observations of a Chancellor of the Exchequer, though he was bound to say, that in reply to the hon. Member for Kilkenny, he thought the right hon. Gentleman had a little exceeded the fact, for though, doubtless, the sudden and extensive demand for grain, had occasioned the drain for gold, and which had deranged all the money transactions of the country, yet it was quite just to charge the Bank with an aggravation of the present evils, for not having been warned by that circumstance, and, in conformity with their own rule, not to have in time restricted instead of increased their issues, for the accommoda-

tion of the mercantile classes. They, however, not actuated by prudence, but proceeding with the heedlessness which usually distinguished monopolists, only discovered their error when too late to avert its mischief, and only saved themselves at the expense, and to the serious injury of the whole community. It was, indeed, terrible to think of the importance of these two subjects, the Corn-laws, and the currency, and to observe how they were dealt with. He did, however, rejoice, that this discussion had taken place, for coming as it did at the close of the Session, and in the present state of the country, it might possibly have the effect of impressing men's minds with the deep importance of those two subjects, and of the necessity of their engrossing the serious attention of Parliament in the next Session.

The *Chancellor of the Exchequer* agreed with the hon. Member for Wolverhampton, that the present state of affairs could not be attributed to one cause. It must be owing no doubt to a combination of causes. He was merely arguing in that respect against the hon. Member for Kilkenney, who had ascribed the present posture of affairs solely to the management of the Bank. He did not say, that everything connected with the Bank management was all that could be wished, but he maintained that the primary cause was the Corn-laws, and even with a free system of banking and a bad system of Corn-laws, the country would still experience many of the changes and inconveniences which had affected it.

Mr. *Warburton* was gratified that the monopoly of the Bank of Ireland was only continued for another year. He agreed, that a great cause of the irregularities in the currency was owing to its being lodged in improper hands; but did not think, that his hon. Friends who supported the joint-stock banks would transfer it to hands that would stop the evil. So long as the control of the currency was left to merchants having an interest in high or low prices, no proper regulation of the currency could be effected; and if it were given to joint-stock banks, he thought it would rather increase than diminish the evil.

Report brought up and agreed to.

The House went into Committee on the Bank of Ireland Bill. Amendments were introduced, and the bill ordered to be further considered that day three months.

SALE OF SPIRITS (IRELAND).] Viscount *Morpeth*, in moving the consideration of the Lords' amendments to this bill, stated, that the Lords had struck out a clause which, on the motion of an hon. and learned Member, was added, by way of rider, to the bill on the third reading, enabling grocers to sell spirits. He had given his cordial acquiescence to the insertion of that clause, and would have been happy if it had been allowed to remain as part of the bill. But feeling satisfied that no measures the House could take would secure the re-insertion of the clause, and as he could not pretend that the clause was an integral part of the bill, he did not think he was called on to ask the House to disagree to the amendments the Lords had made.

Mr. *O'Connell* was exceedingly sorry to hear the noble Lord assent to that which was called an "amendment," but which certainly was no improvement to the bill. It would inflict a most grievous injury on a very large class of the community. He had seen by the daily papers, that the most sagacious and satisfactory reason given elsewhere for rejecting the clause, was, that it had been introduced by him; and it was added, he had had some political motive in introducing it. Now the clause was supported by the hon. and gallant Member for Armagh (Colonel Verner), and the hon. Member for Belfast (Mr. Tennent), as well as himself; and it was rather hard to say what political motive they could have had in common for joining in the struggle to procure the insertion of the clause. He hoped the noble Lord would hold out some expectation of bringing the subject before Parliament early next Session, with the authority of Government; for it was a great grievance that the grocers of Ireland should be deprived of that which the grocers of England could enjoy, and which the grocers of Scotland did enjoy.

Lords' amendments agreed to.

FISHERIES.] Viscount *Palmerston* obtained leave and brought in a bill for the purpose of carrying into effect the convention between her Majesty and the King of the French, relative to fisheries on the coasts of the British Islands and France.

Captain *Pechell* having taken a great interest in this question, it was naturally to him a source of the most lively satisfaction to congratulate the noble Lord on

the attainment of an object which he for one had never been sanguine enough to expect in its present shape; and it must ever be considered as one of the proudest events of the noble Lord's political career, to have established that influence in the councils of France, which had procured the settlement of a question which, for upwards of 150 years, had been a constant matter of dispute between the two countries. And coupling with this measure the noble Lord's late exertions relative to the suppression of the traffic in slaves, and viewing the successful result of his negotiations with Spain, by the clearance from the seas of all slave vessels under the Spanish flag, it was not too much to say, that in obtaining this convention with France, the noble Lord has added another laurel to the wreath which he had won on former occasions. This measure would undoubtedly produce the most amicable and satisfactory results, and would enable the fishermen in the narrow seas, to pursue their lawful avocations without fear or the restraint, to which, for the last ten years, they had so often been subject. It would also prevent the mortifying circumstance of witnessing foreign boats casting their nets, as it were, within the length of a boat hook of the British shores, when our own boats were not permitted to approach those of France within two or three leagues. It would also prevent those unfortunate collisions, which had so constantly taken place, between the fishing vessels of both countries, and which, from the superior size and equipment of the French boats, always terminated to the disadvantage and loss of our own. He would therefore offer to the noble Lord the thanks of the fishermen generally, and more particularly those of the Kent and Sussex coasts, whose complaints had invariably been attended to by the noble Lord. He now trusted that no time would be lost in carrying out a measure which would promote the amicable relations between this country and France.

Viscount *Palmerston* said, this was really an important Convention, which he trusted would be effectual in preventing the recurrence of those differences which had on many occasions threatened to create very serious difficulties. It was founded on principles of perfect equality. Neither country conceded more than it would obtain, and therefore he trusted it would prove entirely satisfactory to both.

Bill read a first and second time, committed, and the report was then received.

TREATMENT OF CHARTISTS.] Mr. *Hume* called the attention of the House to the petition which he had presented yesterday, from Henry Vincent, and others, confined in Monmouth gaol, relative to the treatment which they had experienced since the time of their committal. It was important that the rule with respect to persons committed for political offences should be properly understood. It appeared that these persons, after a trial of ten hours on ten counts, had been convicted on one count, and a question was put to the judge as to the manner in which they should be imprisoned. The learned judge said that no severity would be used, except what was necessary to secure their persons. But it now turned out that they were deprived of the use of fire, of pens, ink, and paper, and of the use of books. There ought to be some understood rules for the regulation of prisons, and he wished to hear what remedy was likely to be applied under the circumstances.

The *Attorney-General* said, his own feeling was, that no unnecessary severity would be applied in any such cases, and he believed he expressed the feelings of the Government when he said so. An application had been made by Mr. Stephens for the use of pen, ink, and paper, and he had requested that no unnecessary severity should be used, and that he should not be subject to such privations. He believed, in the present instance, there was not the smallest pretence for saying that anything had been done contrary to the sentence.

Mr. *O'Connell* protested against the doctrine, that because a man was imprisoned he was to be subject to particular regulations. Imprisonment meant nothing more than the restraining a man from going abroad. It did not mean any species of torture. It was torture to keep a literary person from the use of pens, ink, and paper—it was torture to keep him from books. Whenever a wealthy man was committed to prison every luxury was afforded him. There ought to be some legal definition of what should amount to imprisonment, and it ought not to be left to the caprice or mistake of magistrates to say how much it should be heightened. He hoped the Attorney-general and the

Government would take the subject into consideration, and do something definite upon it. If no one else did he would endeavour to do so next Session; but in the meantime these persons were suffering this infliction superadded to the imprisonment.

The *Chancellor of the Exchequer* said, that he was quite certain the noble Lord, the Secretary for the Home Department, would give relief in all cases in which it could properly be called for. He knew that in the case of Vincent, an appeal had been made to the noble Lord to allow the free use of books, and the order had been made, provided the books were not of an objectionable character. In any case properly made out, his noble Friend would doubtless grant all the relief consistent with the due administration of the law, and the effectual enforcement of the sentences awarded by courts of justice.

Mr. *Sanford* thought, that these cases ought to be always left to special applications. He certainly admitted that the discipline of a prison should not be solely at the option of any magistrates. Nor was it. For the prisons were under the controul of visiting magistrates, who were entirely guided by the regulations agreed on, firstly by the magistrates in Quarter Sessions, and afterwards sanctioned by the judges of Assize.

Mr. *Warburton* said, he was glad it would be understood that the Home-office would grant relief in all proper cases. That these prisoners should be without fire in winter was monstrous; indeed, it was enough to kill persons who had been accustomed to comfortable living. Besides, this unjust severity had the effect of exciting the sympathy of the public in the prisoners' favour, instead of, as would otherwise be perhaps the case, creating public concurrence in the justice of the sentence.

Mr. *Hume* expressed his readiness to leave the case in the hands of the Secretary for the Home Department.

Sir *F. Burdett* considered it quite unconstitutional that men should be subjected to greater inflictions than the sentence of the law specified. It was no justification in such a case, to say that the regulations had been made by magistrates. This injustice, like many others in this country, had arisen out of a departure from the old constitutional practice of leaving the regulation of prison

discipline to the sheriffs, who were generally gentlemen of distinction, thoroughly responsible, and very exact in conforming to their rules. He thought, that wherever it was found that there had been such a departure from the terms of the judge's sentence, it should be interfered in, and the injustice prevented, for a monstrous thing it was, that it should depend solely on the circumstance of a man's being sent to this or to that prison, with what severity, or with what mildness he should be treated.

The *Attorney-General* said, the Judges were in the habit of inquiring what was the discipline of the prison—and in the case of the Rev. Mr. Stephens, the learned Judge, Mr. Justice Patteson, a most humane and excellent judge, having found that the prison to which he had first sent Mr. Stephens, had regulations too harsh for a gentleman of education, altered his direction, and sent Mr. Stephens to the gaol of Chester, where he would be allowed the use of pens, paper, books, and other conveniences.

Subject dropped.

COLONIAL MAILS] Mr. *Hume* moved, that it is inexpedient to make any contract or agreement for the conveyance of the mails to the West Indies and Continent of South America for so long a period as ten years, and involving an expenditure of 2,400,000*l.*, until full information shall be obtained in that important department, and be laid before this House. In submitting this resolution on a subject to which he had recently adverted—he wished it to be understood, that he did not mean to underrate the importance of facilitating the conveyance of the Colonial Mails—on the contrary, he felt this to be most important. But he believed that the Colonial Post-office arrangements had been grossly neglected, and that the present proceeding was wholly irregular. He had anticipated, that the Government would have sent out a Commission to investigate the subject; and disappointed indeed was he to find, that without any public advertisement, they should have concluded a contract by which the country would be bound, for ten years, and in a sum of 2,400,000*l.* The Government should have settled the different lines of communication, and managed so that the larger vessels should not be put on the longest transits. He had no hesitation in

saying, that from the information he had received, much more might be saved in the contract, and that the line of packets might be almost made to support itself. He knew not what power had been given by the Parliament to any authorities to make a contract for ten years, and the sooner a stop was put to those proceedings the better. He understood that operations would commence about the end of the year 1841, and it was necessary that the opinion of Parliament should be taken on the subject as early as possible.

Mr. C. Wood did not think he could add a great deal to the explanation he had given on a former occasion, as to the nature of the contract. There were two or three points to which he thought it necessary to advert, and first, as to the power of the Treasury to enter into these contracts. Surely the hon. Gentleman who had himself recommended the Government to enter into these contracts, would not now deny their power to do so, or if he thought they had not that power, he never would have urged them to make contracts for the conveyance of the mails. These contracts necessarily depended upon the annual votes of Parliament, and if the hon. Member referred to what had been the uniform practice, he would find that there were regular votes of Parliament on the subject. So far, therefore, as the power went, there had never been any question, and it had been invariably exercised, subject to the opinion of the House in the annual estimates. It was urged that inquiry should be made as to the regular lines of communication, and the best mode of transmitting the mails. But did the hon. Member suppose that the persons at the head of the Post-office communication in that part of the world and at home, were without any information on the subject—that they were not acquainted with the prevalent winds and currents, and that the naval officers on the West India station, the Post-office, and the Treasury, were not possessed of all the information that could possibly be given on the subject, so as to enable them to decide upon the most eligible plan? It was further urged, that it was a great waste of strength to employ large vessels in communications between the different islands; but if vessels of large tonnage and great power were required at all, it was in these places, in order that the mails from the different islands might

be in time for the homeward-bound packet to England. There was no ground, therefore, for the hon. Member's objection on that point. One hon. Member had said, that no complaints had been made on this subject. Now the fact was, that the Admiralty had received repeated complaints of the inefficiency of the vessels employed to contend with the Gulf stream. There was also this great advantage, that few persons had had the experience which the Admiralty had as to the conducting of large steam operations. Four out of seven of the steam vessels employed in the West Indies had been sent home during the last year, having completely broken down; thus proving the absolute necessity of employing steam vessels of large power in those seas. He had desired one of the clerks of the Admiralty to furnish him with the complaints which had been received on this subject at the Admiralty, during the course of the last year, and he had been furnished with an immense pile of papers in consequence. It had been stated that no complaints had been received except from persons interested in this contract. Complaints had been received from the British merchants residing in Mexico; from the merchants of Liverpool; from the merchants of Bristol; from the merchants of Barbadoes; from the merchants of Jamaica, and from Mr. Burge, the agent from that island; from the inhabitants of Mountserrat; from British merchants at the Havannah; from the Deputy Postmaster at Jamaica; from the Governor of the Leeward Islands; and from the Governor of Antigua. All these were persons residing in that part of the world, and who were totally unconnected with the parties who had entered into this contract. He had received a representation from the President of the Chamber of Commerce at Glasgow, stating that the merchants of Glasgow were better acquainted with these matters than any other persons, and could give the Admiralty much useful information. He had returned an answer, stating that he should be happy to receive any suggestions from them, but from that hour to this, he had received no communication whatever from those gentlemen, nor had he any reason to suppose that he should. He entirely agreed with his hon. Friend, that the principle of public competition ought to be acted on as far as possible, but however good this was in theory,

they had found that in every case in which they had put up a contract to public competition they had failed. The principle had always failed in practice. They had put up the contract for carrying the mails to Halifax to public competition, and the lowest offer they had for communication twice a-month, was 45,000*l*. They had afterwards, however, made a private contract for a fortnightly communication with Halifax and Nova Scotia, and a branch communication to Quebec and Boston, for 60,000*l*. The great advantage of public competition was, in his opinion, the enabling them to judge for what sum the contracts might be performed. The contracts which they had entered into in this instance, were as low as those into which they had entered for conveying the mails to Halifax, the terms of which were twice as good as the best offers that had been made by public competition. He therefore considered, that the terms were advantageous. With regard to the time for which the contract had been entered into, how could the hon. Gentleman suppose that any body of men would make an outlay of from 80,000*l*. to 100,000*l*. in the building of steam-vessels, unless their agreement was such as to enable them to wear out these vessels, or at least secure them something like an adequate return for their outlay. The Government had stipulated, that if any great improvement took place in the mode of impelling steam-vessels, that then the parties to this contract were bound, upon a suggestion being made to that effect from the Admiralty, to adopt such improvements. He did not think that any Government could have done more in order to ensure the greatest facility.

Mr. Warburton thought the Government were entitled to the thanks of the country, for the contracts they had entered into upon this subject; but the question was, whether on entering into contracts for so long a period, the public ought not to be satisfied that they were entering into those that were most beneficial to the public.

House counted out.

HOUSE OF LORDS,

Saturday, August 24, 1839.

MINUTES.] Bills. Received the Royal Assent:—Soap Duties Regulation; Militia Pay; Slave-Trade Suppression; New South Wales; Metropolitan Police Courts; Metropolitan Improvements; Courts for Counties; Judges' Lodg-

ings; Highway Rates; Stage Carriages; Letters Patent Act Amendment; Joint Stock Banking Companies; Rogue Money Assessment (Scotland); Dublin Police; Assaults (Ireland); Constabulary Force (Ireland); Unlawful Oaths (Ireland); Corporate Property (Ireland); Sale of Spirits (Ireland).—Read a first time:—Exchequer Bills Funding.—Read a third time:—Bankrupts (Ireland).

HOUSE OF COMMONS,

Saturday, August 24, 1839.

MINUTES.] Bills. Read a third time:—Exchequer Bills Funding; Bank of Ireland Act Continuance; Fisheries (England and France).

Petitions presented. By Mr. John O'Connell, from Longford, for the introduction of the Scotch system of Banking into Ireland.

HOUSE OF LORDS,

Monday, August 26, 1839.

MINUTES.] Bills. Received the Royal Assent:—Administration of Justice (Parts of Counties); Poor-law Commission Continuance; Poor-rates Collection; Bastardy; Bankrupts (Ireland); Manchester Police; Birmingham Police; London Bridge Approaches.—Read a second time:—Bank of Ireland Act Continuance; Fisheries (England and France); Exchequer Bills Funding.—Read a third time:—Duke of Marlborough's Pension; Fines and Penalties (Ireland); Exchequer Bills; Consolidated Fund.

Petitions presented. By Lord Redesdale, from the General Assembly of Scotland, against the Ministerial plan for National Education.—By Lord Brougham, from Cork, against the Operation of the Grand Jury Cess; from the Rational Religionists of Bradford, against the Imprisonment of a Debtor, on account of his religious opinions; from the Guardians of the Kennington Union, against certain Charges brought against them.

FOREIGN RELATIONS.] Viscount *Strangford* had one or two questions to put to the noble Viscount opposite, upon very important subjects. He was desirous of knowing whether any proper and effectual steps had been taken in concert with the American government to prevent the recurrence during the ensuing winter along the Canadian frontier of that frightful system of aggression on the one hand, and scarcely avoidable retaliation on the other, because, if that system were pursued, it was likely to lead to the most fatal results, so far as regarded the good understanding and harmony of the two countries? That morning he had received a deputation of merchants connected with the North American trade, who stated, that some time ago a memorial had been presented on the subject to her Majesty's Government, and they had requested him to recal to the noble Viscount's recollection the prediction which had been embodied in that memorial. The other question to which he wished to call the noble Viscount's attention was, whether there was any reason

able hope or prospect of a termination of those hostilities which had been so long protracted between France and the republic of Buenos Ayres? Those hostilities had lately assumed a very aggravated form, and not long ago they had received information of the destruction of an entire fleet of small vessels laden with British property, which had been literally burnt to the water's edge by order of the French authorities. Really, when one looked at these things, whether occurring in North America or Africa, he felt bound to say, that the time was come when it would be necessary for this country to address some remonstrance to the French Government. It would be only necessary for him to say two words—"Coercion", and "Canada." It was unnecessary for him to give any notice for the next Session; but it was his intention, at the earliest stage of their meeting there again, to advert to the indignities and injuries which their fellow-subjects had endured on the coast of Africa, at the hands of certain local authorities there. He looked upon these things as a deep stain upon the national honour, and if by that time the representatives of the British Government had not obtained redress, it would be probably for their Lordships to consider how far it would be prudent in them to present an humble address to the Throne, imploring her Majesty's protection for her faithful subjects.

Viscount Melbourne said, he was happy to be able to inform the noble Lord, that every disposition prevailed, both in the United States, North America, and Canada, to prevent a continuance of those proceedings which had unfortunately taken place for the last two years there. With regard to the second question, the blockade of the River La Plata, he was aware there had been no cessation of the conduct that had been pursued in that part of the globe, but he had the satisfaction of assuring the noble Lord, that the Government of France were most anxious to bring those proceedings to a close, and he was in confident hope that, ere long, they would be so.

THE FISHERIES.] Viscount Melbourne moved the Order of the Day for the second reading of the Fisheries (England and France) Bill.

The Duke of Wellington had read the bill, and did not object to it; but he must

say, that it was not fair to the public to have bills of any description hurried through Parliament in the manner now proposed.

Viscount Melbourne said, that that would certainly be true if the bills required any consideration, but this one did not: it was merely to carry into effect a treaty settling the distances from the respective shores of the two countries where the fishermen might resort, and fixing the regulations of the fisheries.

The Duke of Wellington said, the bill might as well have been before the House at an earlier period.

Lord Brougham perfectly agreed with the noble Duke, that this was not the way to do business; and he had been telling his noble Friend, the noble Viscount so sometime past. It was no reason to say, that the noble Duke had read the Act and the Treaty, seeing that the noble Duke's attendance was most unparalleled for punctuality and perseverance. The noble Duke never missed being in the House at the sitting of it, he never went until it was up, and looked to all the business, and attended to every bill. Certainly no other noble Lord had read the documents.

The Duke of Wellington: There is but one copy in the House.

Viscount Melbourne: There must be an exception made in those cases which occur suddenly—the events which happen in human affairs, war or peace—treaties and conventions—will not wait for the close of our Sessions, or the convenience of our recesses.

Lord Brougham: Oh, certainly, that is a proper exception.

Bill read a second time.

BOLTON POLICE.] On the question that the Commons' Amendments to the Bolton Police Bill be agreed to.

The Duke of Wellington observed, that the amendment returned by the Commons had no relation to the previous amendments made by their Lordships. He should not oppose the Commons' amendment, but he wished to protest against that mode of proceeding as irregular.

Amendment agreed to, a special entry having been made on their Lordships' journals, that their Lordships' agreement in this instance might not be drawn into a precedent.

NATIONAL EDUCATION.] Lord

Brougham had to move their Lordships for a copy of the charter of the London University, for the rules of the said university, and the degrees conferred thereby. He could not take leave for this Session, and perhaps for ever, of the greatest subject which could occupy the attention of rulers and lawgivers—the education of the people—without offering a few words to their Lordships on the peculiar position in which this great question now stood. If their Lordships were to conclude by a resolution, pledging themselves to proceed by a bill next Session, they would perform their duty in a manner which would redound to the honour of Parliament, to the credit of the Government, and to the peace and satisfaction of their own minds. Nothing could more clearly show the progress which the question of education had made than the debate on the subject this Session, which drew together all the Peers of the realm, and which attracted as large a number of the Members of the House of Commons, and of their countrymen, as they admitted to witness their proceedings. The man who, thirty years ago, should have predicted such an event, would have been treated as a visionary. One inference which he drew from that debate was, that their Lordships would abdicate one of their highest privileges—eminent as their branch of the Legislature was for dignity, and for no slight weight with the community—if they were longer to neglect the establishment, on sound, liberal, moral, and religious grounds, of a system of education for the people. It naturally struck himself, too, that if he were to bring in his bill Session after Session, though he might be convinced of the soundness of the principles on which it was based, and of the adaptation of the provisions to attain the object which he had in view, he still was convinced that he was keeping possession, and exclusive possession, of the subject; that he was preventing others from taking it up who would come to the work with greater power, with forces of a different kind to back them, and with more weight in the community and Parliament than he could pretend to. He, therefore, thought that, by withdrawing his bill, and providing such a substitute as he had referred to, he should do this great subject the best service in his power. “Therefore it is,” said the noble and learned Lord, “that I have come to the resolution, not of

abandoning this question,—Heaven forbid! while I exist that is impossible,—so woven is it with my heart, so entwined with my very nature, that I could not, any more than I durst if I could, forsake it; but I abandon it in a qualified sense of the term. I withdraw from it to leave others more powerful to take it up. I give it over to my noble Friend at the head of the Government. Let him apply his vigorous and manly understanding to the subject. Let him, with all the resources at his command, as head of the executive Government—let him, with all the assistance of the supporters of the Government in this House, take it up, according either to those principles which have formed the ground-work of my bill, if it so pleases him, or according to any other or better principles, if he prefers them on reflection, and no man will be more ready to give up any share in promoting this great proceeding than I shall. Let him prepare a bill founded on right principles, and propounded in an enlightened and liberal spirit, it is needless to say with what cordial affection I shall greet his entering on such a course, and how my ancient attachment to him, which has never been altered [here the noble and learned Lord became considerably affected], will revive in my bosom, and will make me hail with joy his taking that part which his duty prescribes to him, but which his interest as a Minister ought to induce him to take, as the certain means, if not of carrying this great measure, of encircling his Government with a glory which will never fade.” The noble and learned lord then proceeded to say, that he had stated one inference which he drew from the memorable debate of that Session. There was another, not so entirely satisfactory, and it was this, that in England (he spoke not of Scotland and Ireland), however anxious they might be to see a change, the necessity and importance of which was admitted by all, and however urgently they might all press forward to effect it, an universal national system of education was utterly unattainable, if the Church of England was excluded from its superintendence. He went further, and said, that such a plan could not be adopted unless a preference was shown in some material respects to that Church by law established, and the whole frame of our civil and ecclesiastical polity (whether rightly or wrongly he cared not) being founded on

such an assumption. This opinion was not suggested for the first time by the debate some time back. He had laid it down in the committee of 1819. He embodied it in the bill of 1820. And no sooner had he given the power to the parish minister to put his veto upon the schoolmaster if he chose, than his worthy and esteemed friends, the dissenters, took the alarm. 'Twas in vain that he reminded them, that he left the door of the school which he proposed to establish, not only ajar, but thrown right back on its hinges for the admission of their children. They met, they combined, they reasoned. They felt more than they reasoned, and they were more led by their passions than either by their feelings or their reason. Behind his back they candidly avowed their opinion; they amicably stated their reasons, they strenuously propounded their principles, they constantly urged their claims. Time after time he met them in consultation, in debate, in public and in private, and during the whole time that these discussions were carried on, he made but one convert. But that convert was worthy not only of exultation on his part, but of all the love, the reverence, the veneration, which encircled him in the eyes of his pupils, of his flock, of his friends, and of all his countrymen who knew him. He spoke of the late reverend, and he would add, revered (not merely as an empty title, but as a word conveying some idea of his character) Dr. Lindsey, as steady a friend of the dissenters, as great an alien to all love for Church establishments, and as great an enemy, above all, to the errors of popery, as ever came out of the country of the same league and covenant. His venerable friend thus addressed his brethren on this subject:—

“My friends, I hate episcopacy, I detest and abhor popery; but rather than that the children of the people of this country should be lost here, and perilled hereafter, by remaining in ignorance, I would have them taught, if they should be taught, by the Pope of Rome himself.”

These were among the last words he spoke on this earth: he died the next day—suddenly died—and he left to his friends this strong memorial of his good sense, of his liberality, of his universal philanthropy, and above all, of that quality which peculiarly belonged to him—which he had not seen to belong in so great a degree to almost any other person, and which ap-

peared to be wanting altogether in some men—namely, when he saw he was in the right pursuit of an object, not allowing unworthy prejudices, unsound and unchristian prepossessions, to stand in his way as to the mode and manner in which it should be effected. Such enlightened views were not general. The friends of this cause were constantly met by a humiliating and mortifying obstacle; they heard it constantly said, “the Church is very anxious for education, and she has done much to promote it. The dissenters are very anxious for education, and they have done much to promote it.” To the latter a debt of gratitude was mainly due; but the Church had followed the course of the Dissenters, and forwarded that great cause. But, one and the other, great friends as they were of education—deeply as they respected it—dearly as they loved it, from human frailty—from the constitution of our imperfect nature, even when in pursuit of the best objects, even when warmed by the purest and holiest feelings—praised still more highly, loved still more dearly, one other thing—and that was, victory. The Church wished for education; but they wished to keep down the sects a little more. The Dissenters wished for education; but they wished to pull down the Church a little more. Now between these two feelings, springing from the same base origin; distinguished by the same ugly ill-favoured complexion, but pointing to the same Babel work of mischief and confusion, the interests of the people and of education were sure to fall prostrate, and hopelessly prostrate, unless their Lordships interposed and formed a plan on wise, universal, liberal, and Catholic principles. Whatever unpopularity attended such a plan, he was willing to take his share of it. He hoped his noble Friend would come forward and manfully do his duty in this matter; for it was him of all others he wished to see take the glory of such an enterprise, and he (Lord Brougham) would always be ready to share as an humble and distant follower, the labours and trials of this undertaking.

Motion agreed so.

HOUSE OF COMMONS,

Monday August 26, 1839.

[*Minutes.*] Petitions presented. By Sir R. H. Inglis, from

the General Assembly of the Church of Scotland, and from several places, against the Ministerial plan for National Education.—By Mr. D'Israeli, from Merchants, and others of the city of London, for an Inquiry into the Allegations against the Character of the Minister for Foreign Affairs.

NEW WRITS.] Mr. E. J. Stanley, having moved for a new writ for the borough of Cambridge, in the room of the right hon. Thomas Spring Rice, who had accepted the office of steward of the Chiltern Hundreds,

Mr. D'Israeli said, that before these changes had taken place, there ought to have been an explanation given as to the principles on which the Cabinet was to be conducted for the future, and considering the precarious state of the country and its finances, that the new Chancellor of the Exchequer, if not the old, would have given some information upon the general finances of the nation. As he did not see the right hon. Gentleman in his place, and as it appeared that the Cabinet was to be strengthened by recruits from the official underlings, perhaps some of the hon. Gentleman on the Treasury Bench would feel quite authorized and duly qualified to give an exposition of the policy on which the new Cabinet was to be conducted. Till that was done, he should feel it his duty to resist the motion.

Mr. E. J. Stanley said, that not being a member of the Cabinet, he could not take upon himself to reply to the question of the hon. Member. But he was satisfied, that on reflection he would see the propriety, in justice to the people of Cambridge, of not persisting in his objection to the issuing of the writ which he had moved for.

Motion agreed to.

On the motion of Mr. E. J. Stanley, the clerk of the Crown was directed to issue a new writ for the city of Waterford, in the room of Mr. Wyse, who had accepted the office of one of the commissioners appointed to execute the office of Lord High Treasurer.

Mr. D'Israeli, seeing the right hon. Baronet, the President of the Board of Control, in his place, begged to ask the right hon. Baronet if he could afford the House any explanation of the principles on which the new Cabinet was to be conducted? They were about to meet their constituents, and he knew nothing which could be more interesting or important for

hon. Members to communicate than the future policy of the Cabinet. There had been three new writs moved for already, and he doubted not that others were still to come, so that the whole Cabinet seemed about to be re-constructed. He, therefore, called upon the right hon. Baronet to give some explanation on the subject.

Sir John Hobhouse was not aware that the Government had any intention to change their policy.

Subject dropped.

CONVEYANCES OF THE MAILS.] Mr. Warburton, in bringing under the consideration of the House the subject of the contract or agreement made by the Admiralty for the conveyance of the mails to the West Indies and America, said, he considered that the Government were entitled to thanks for having made arrangements by which these mails would be carried by steam-ships instead of sailing packets. But he must complain that the Government had made a blind bargain, and that the House and the country had not been consulted, as they ought to have been, on a matter of so much importance as a contract of ten years' endurance, and for so large an amount as 240,000*l.* a year, to be paid to a private party. He did not mean to discuss the point, whether the Admiralty had or had not the power to enter into the contract; but his opinion was, that they had not, at all events, acted with that consideration and discretion which the public interests required. The moment that these steam-ships were ready, and a steady intercourse between Europe and America was established for the carrying of the mails, all passengers from Europe would go by them, by which means a complete monopoly of carriage would be created, and all competitors would be thrown out of the trade, to the great advantage of those who were to furnish these steam-ships by agreement with the Government. Had that result entered into the calculations of the Admiralty? No person could tell whether 100,000*l.* a-year might not be lost by the contract. It was quite a blind bargain. He had been told, that the parties who had made the Nova Scotia contract had already been offered a profit of 20,000*l.* or 30,000*l.* for their bargain. The contract ought to have been made by public competition, and Parliament should have had a full opportunity of previous discussion. If that had

been done, and the plan of free competition had failed, the public must have been satisfied, and no ground of complaint would have remained. But the hon. Secretary of the Admiralty had objected to public competition in this case, because it had failed on other and former occasions. That was no satisfactory reason. Although the principle may not have answered on other occasions, it was quite possible that it would have answered in the present case. The terms and conditions should have been made public, and laid before Parliament, before any agreement so extensive had been gone into. He had been astonished to hear the hon. Member, the Secretary for the Admiralty, when this question was last discussed, deny that the science of steam navigation had of late years improved. In the last thirty years there had been most important improvements made in the steam-engine, so that the work done by it had increased in the proportion of four to one. He trusted that the Government would yet be compelled to give a full explanation, and that early next Session the contracts would be laid before the House, so that Parliament might pronounce a decision as to the expediency of adopting the agreement. All persons engaged in the construction of steam-engines and machinery viewed the contract with great jealousy, and many well-informed persons said, that 100,000*l.* a-year might have been saved by public competition. He trusted that the further proceeding with the contract would still be suspended, until the whole matter could be fairly submitted to the consideration of Parliament. He would not say more on the subject at present, and would conclude by a motion for adjournment, so as to afford any hon. Member an opportunity of expressing his opinion on the subject.

Mr. *B. Smith* thought the great improvement in steam navigation of late years was the great increase in the size of the vessels. When the *Victory* was built, it was said of her, as a mark of praise, that she sailed like a frigate, because first-rates did not sail so fast as those of smaller dimensions, but the largest class of steamships were the quicker sailers. He objected to the small tonnage of the ships to be furnished to the Government. They were not half the size of the *Great Western*, and the consequence would be, that letters would be sent by other routes and arrive in much less time.

Mr. *C. Wood* said, the reason why he had delayed rising, was the consciousness that he had already addressed the House on the subject twice, and he now felt that he could do no more than repeat what he had again and again stated before. He knew that where public competition had been resorted to on a former occasion, no such favourable offer had been made as that which the Admiralty had accepted. It should be borne in mind that, in cases where the enterprise was, as in the present case, highly difficult, competition would operate much less than in ordinary cases. He thought, therefore, without assigning too great authority to the Admiralty, their experience might be permitted to set aside the theories of the hon. Gentleman. He had never asserted that no improvement had taken place in steam navigation within the last ten years; but what he had stated was, that no such improvements had taken place within that time, as would authorize the expectation of any great reduction taking place in the expense of navigating steam-vessels within the next ten years. The contractors were also bound, on the requisition of the Government, to give the advantage of every improvement that might take place in steam navigation; and taking all these circumstances into consideration, he did not think it would be worth the while of the contractors to make an outlay of capital for a less period than ten years.

Mr. *Hawes* would mention a case of very recent improvement, which would produce a very material reduction in the expense of steam-ships. The company that built the *Great Western*, were now building another vessel of considerably increased size. That new vessel was to be of iron. By that plan the ship would possess a very greatly enlarged power of carrying cargo, in proportion to her tonnage, compared with any steam-ship built of wood, and the increase of freight which the owners would thus receive, would very much diminish the expenses of her navigation.

Captain *Boldero* said, the company who had made the contract with Government, had issued a prospectus, and their shares hung very heavy in the market, a pretty strong proof that the terms were not so advantageous as the hon. Member for Bridport seemed to suppose. He did not think that very large vessels would have answered better than those which the

company had become bound to build, and, in the event of war, they were to be armed, and to have double complements, while they were liable to heavy penalties in the event of failure in the contract. He thought the Government had made a beneficial arrangement for the public, and that credit was due to them for the manner in which they had conducted the bargain, and also to the spirit and enterprise of the merchants who had taken the contract.

Mr. Warburton wished to know if the contract made any provision for the rate of charge to be paid by passengers.

Mr. C. Wood said it did not.

Mr. Warburton said, in that case the interests of the public had not been duly protected. In granting so great a monopoly, the Government should have taken care that nothing beyond a certain sum should be charged for the conveyance of passengers.

House adjourned.

HOUSE OF LORDS,

Tuesday, August 27, 1839.

MINUTES.] Bills. Read a third time :—Bank of Ireland Act Continuance ; Fisheries (England and France) ; Exchequer Bills Funding.

PROROGATION OF PARLIAMENT.] Her Majesty went in State to the House of Peers to Prorogue the Parliament.

The Commons having come to the Bar, the Speaker proceeded to address her Majesty to the following effect :—

“ MOST GRACIOUS SOVEREIGN,

“ We, your Majesty’s most faithful Commons of Great Britain and Ireland, attend your Majesty with our last bill of supply for the service of the present year. Various and important measures have occupied our attention during a protracted and laborious Session, and none more important and more affecting the interests of the community than those which have for their object the prevention and punishment of crime. We have given the most careful consideration to all those improvements which have been suggested to us by experience, and after prudent investigation, with respect to the Metropolitan and City Police, enlarging the extent, and accurately defining the duty of the force, to

give increased security to the property of the inhabitants of this metropolis, without in any degree infringing the liberties of the subject. An improvement in the management and discipline of our prisons, as well in England as in Scotland, has formed the subject of our most anxious deliberation. We have endeavoured to make such alterations, on the one hand, as will render punishment effectual; whilst, on the other, we have paid due regard to the welfare of the prisoners, and to their moral improvement. The attempts which have been made in many parts of the country to excite disaffection, accompanied by riot, and in some instances by the destruction of property, have rendered it an imperative duty on us to adopt such measures as shall prevent a recurrence of similar disturbances. We have accordingly provided for your Majesty the means of increasing your Majesty’s military force, and to strengthen the civil authority, by enabling the magistrates of England and Wales to organize a paid constabulary force where the state of the counties shall require it. We have the satisfaction of announcing to your Majesty, that, although the circumstances of the country have not enabled us to make any material reduction in the public burdens, yet we have endeavoured to alleviate their pressure, by making a most important modification in that branch of the revenue which is derivable from the Post-office; by reducing the duty to a low and uniform rate, we not only give encouragement to the industry, and develop the resources of the community, but we have conferred social advantages of the highest character upon the poorer classes of your Majesty’s subjects. We have given our willing aid in furtherance of your Majesty’s gracious wishes to abolish the Slave-trade, by protecting from legal proceedings the officers employed under your Majesty’s orders for the suppression of that nefarious traffic. We earnestly hope that it may be reserved for your Majesty to perfect the great de-

sign which originated with your Majesty's royal predecessor in the purest spirit of benevolence, and that the final results may shed a bright and enduring lustre on your Majesty's most auspicious reign. It now only remains for me to present to your Majesty two bills,—the one intituled “An Act to appropriate the surplus ways and means for the service of the year 1839;” and the other intituled “An Act for raising the sum of 12,026,050*l.* for the service of the year 1839;” to which, with all humility, we pray your Majesty's royal assent.”

The Royal Assent was given to those two Bills, as also to the following bills:—the Exchequer bills' Funding Bill; the Fisheries' (England and France) Bill; the Bank of Ireland Continuance Bill; the Fines and Penalties (Ireland) Bill; the Bolton Police Bill; the Duke of Marlborough's Pension Bill; and the County and District Constables' Bill.

The Lord-Chancellor handed to her Majesty the Speech, which was read by her Majesty as follows:—

“MY LORDS AND GENTLEMEN,

“The public business having been brought to a close, I have now to perform the satisfactory duty of releasing you from your long and laborious attendance in Parliament.

“I rejoice that a definitive treaty between Holland and Belgium, negotiated by the mediation of the Five Powers, has settled the differences between those two countries, and has secured the peace of Europe from dangers to which it had so long been exposed.

“The same concord which brought these intricate questions to a peaceful termination prevails with regard to the affairs of the Levant. The Five Powers are alike determined to uphold the independence and integrity of the Ottoman Empire, and I trust that this union will ensure a satisfactory settlement of matters which

are of the deepest importance to the whole of Europe.

“It has afforded me the sincerest pleasure to have been able to assist in effecting a reconciliation between France and Mexico. Intent upon preserving for my subjects the blessings of peace, I am highly gratified when I can avail myself of an opportunity of removing misunderstandings between other powers.

“I have recently concluded with the King of the French a convention calculated to put an end to differences which have arisen of late years between the fishermen of Great Britain and of France. This convention, by removing causes of dispute, will tend to cement that union between the two countries which is so advantageous to both, and so conducive to the general interests of Europe.

“I shall continue to pursue with perseverance the negotiations in which I am engaged to persuade all the powers of Christendom to unite in a general league for the entire extinction of the Slave-trade, and I trust that, with the blessing of Providence, my efforts in so righteous a cause will be rewarded with success.

“I regret that the differences which led to the withdrawal of my Minister from the Court of Tehran have not yet been satisfactorily adjusted by the Government of Persia.

“In order to fulfil the engagements announced to you at the opening of the present Session, the Governor-general of India has moved an army across the Indus, and I have much satisfaction in being able to inform you that the advance of that expedition has been hitherto unopposed, and there is every reason to hope that the important objects for which

these military operations have been undertaken will be finally obtained.

"I have observed, with much approbation, the attention which you have bestowed upon the internal state and condition of the country. I entirely concur in the measures which you have framed for the preservation of order, the repression of crime, and the better administration of justice in this metropolis, and I have given a cordial assent to the bills which you have presented to me for the establishment of a more efficient constabulary force in those towns which peculiarly required it, and for effecting the important object of generally extending and invigorating the civil power throughout the country."

"GENTLEMEN OF THE HOUSE OF COMMONS,

"I thank you for the zeal and readiness with which you have voted the supplies for the service of the year.

"It has been with satisfaction that I have given my consent to a reduction of the postage duties. I trust that the Act which has passed on this subject will be a relief and encouragement to trade, and that, by facilitating intercourse and correspondence, it will be productive of much social advantage and improvement. I have given directions that the preliminary step should be taken to give effect to the intention of Parliament, as soon as the inquiries and arrangements required for this purpose shall have been completed.

"The advantageous terms upon which a considerable amount of the unfunded debt has been converted into stock afford a satisfactory proof of the reliance placed on the credit and resources of the country, as well

as on your determination to preserve inviolate the national faith."

"MY LORDS AND GENTLEMEN,

"It is with great pain that I have found myself compelled to enforce the law against those who no longer concealed their design of resisting by force the lawful authorities, and of subverting the institutions of the country.

"The solemn proceedings of courts of justice, and the fearless administration of the laws by all who are engaged in that duty, have checked the first attempts at insubordination; and I rely securely upon the good sense of my people, and upon their attachment to the constitution, for the maintenance of law and order, which are as necessary for the protection of the poor as for the welfare of the wealthier classes of the community."

The Lord Chancellor then, by command, declared the Parliament to be prorogued to Thursday, 24th October. Her Majesty left the House; the Commons retired, and the Peers dispersed.

HOUSE OF COMMONS,

Tuesday, August 27, 1839.

MINUTES.] Petitions presented. By Lord Morpeth, from the Royal College of Surgeons in Ireland, for better Remuneration to Medical Men compelled to attend Quarter and Petty Sessions.

SLAVE-TRADE.] Sir R. H. Inglis seeing the noble Lord the Secretary for Foreign Affairs, in his place, begged to ask the noble Lord if any measure had been taken in pursuance of the discussions and address to the Crown of the last and present Session of Parliament, for the effectual suppression of the slave-trade, by adding to the strength of our naval force on the Brazils and coast of Africa. He believed our present naval force in these quarters quite inadequate for the purpose.

Viscount Palmerston could assure the hon. Baronet that her Majesty's Government had adopted proper measures for reinforcing the squadron on both those

stations; but the hon. Baronet must see that the most important point was the coast of Africa. We had acquired towards all flags the right of seizure and condemnation, on equipment alone; and the hon. Baronet would see that the great objects of humanity would be much better obtained by seizure before the slaves were placed on board, and when upon the coast of Africa, rather than when they had been carried over the Atlantic, and when it would be necessary, therefore, either to send them back to Sierra Leone, or to leave them in the Brazils, where, although they may have the name of liberty, they would be practically slaves. We had a power of seizing under the equipment article of the several treaties only in regard to all Powers with whom we have entered into those engagements; and the late Act, which had received the sanction of Parliament, had given the same powers to the Vice-Admiralty Courts with respect to vessels under the Portuguese flags, and as to those under no flags whatsoever. Her Majesty's Government were pursuing measures of negotiation with regard to those Powers who had not yet signed, and more especially with

regard to America, which had also not yet signed the treaty with the equipment article, and he hoped at last to bring this matter to a satisfactory termination.

Mr. *Ewart* wished to ask the noble Lord if armed steamers were to be employed?

Viscount *Palmerston* said, that was a point which was open to some difference of opinion. But he believed his noble Friend at the head of the Admiralty had a steamer of war ready to proceed to the coast of Africa.

Subject dropped.

PROROGATION.] Sir Augustus Clifford, gentleman usher of the black rod, appeared at the Table, and summoned the House to the House of Peers, to hear her Majesty's most gracious Speech.

The Speaker, followed by the Members present, immediately went to the House of Peers, and on his return, read a copy of her Majesty's Speech, and acquainted the House that Parliament was prorogued till Thursday the 24th day of October next.

The House separated.

APPENDIX.

The SPEECHES of W. BURGE, ESQ., Q. C., Agent for Jamaica, and MR. SERGEANT MEREWETHER, at the Bar of both Houses, against the Bill intituled, "An Act to provide for the Enactment of certain Laws in the Island of Jamaica."

MR. BURGE, AT THE BAR OF THE HOUSE OF COMMONS,
APRIL 22, 1839.

MR. SPEAKER,

I appear at the Bar of this Honourable House as the agent of Jamaica, holding that office under the authority of Acts of its legislature. I am here to defend the people of that colony, and to invoke for them the protection of the House against the Bill which has been just read—a Bill which inflicts upon the people of that colony a punishment of unexampled extent, which could only have been merited, if they had committed a crime of the deepest dye against this country, but for which the pretext assigned in the preamble of the Bill, affords not the slightest foundation.

The punishment, Sir, which this Bill would inflict on the people of Jamaica is no less than the forfeiture of their Constitution—a forfeiture of that representative part of it which gives to them the power of participating in the making of those laws by which they are to be governed; and which gives to them that security for their properties which is derived from the constitutional principle, that no man's property shall be taken from him without his consent given by himself, or by his representatives in Parliament.

Sir, this punishment is further aggravated by the species of government which the Bill substitutes for the free constitution of Jamaica. Instead of that free Constitution, it proposes to create a government of pure and absolute despotism. It proposes to transfer all the legislative and executive powers of the government to a body composed of a Governor and Council, persons nominated by the Crown, and whose existence continues only at the pleasure of the Crown or of its representative, and it proposes further to transfer to that body the

power of raising and appropriating a large annual revenue, unchecked and uncontrolled by the people or their representatives.

Sir, this punishment, excessive as it is, admits of even a further aggravation, by the extraordinary circumstance I am now about to mention. The people upon whom this punishment is to be inflicted are not here, and are not represented in this House. The first intimation they will have of the attempt to inflict upon them this punishment, will be that which announces to them that the punishment itself has been inflicted, if this Bill should pass into a law, before they know the charge or pretext upon which it is inflicted, and before, therefore, they have the means of repelling the charge, destroying the pretext, and vindicating and protecting the rights which they have hitherto enjoyed.

Sir, in the situation in which I stand, its responsibility, and the magnitude of the interests confided to me would fill me with dismay, rendering me wholly unequal to the duty I have to discharge, if I did not derive encouragement and support from knowing that the appeal which I make on behalf of the rights of the people of Jamaica is made to a British House of Commons—the sanctuary and refuge of all those whose rights are invaded, and more especially those rights which are so dear to a British House of Commons as the right of representation—the right of participation in the making of those laws by which they are to be governed, and the right of being themselves the parties to give and appropriate their property to the public service. I am persuaded that this House must and will iden-

tify itself in feeling with the people who are vindicating those rights.

Sir, I derive also support—and considerable support, from knowing that the great body of proprietors, and other persons interested in Jamaica, who are resident in Great Britain, have not stood aloof when this blow has been meditated against the constitution of that colony. They have not manifested an indifference to the country to which they are attached by so many ties—to which they are deeply indebted—from which many of them have derived the means by which they acquired their present station in society. They have felt alive to this attack—they have conveyed to the House their opposition to this measure, and they will have the benefit of most valuable assistance in urging that opposition.

I am aware, Sir, that there are some few individuals, a tenth part of a very large and numerous meeting, who entertain a different opinion respecting the effect of this Bill. I complain not that they entertain it, because they had the manliness and the fairness to come forward and discuss it at a public meeting. They were unable to influence the sentiments of that meeting. The large majority were opposed to them. The sense of the Jamaica proprietary body was expressed to be adverse to this Bill.

But, Sir, I do complain of private unauthorised suggestions made to the Government, by two or three individuals, having comparatively a very inconsiderable interest in the colony, and no local experience whatever, who have not met their fellow-colonists at the public meetings which have been held. And, I should still more loudly complain of the suggestions made by these persons, of their own particular view on the subject of this Bill, if I could believe it possible that Her Majesty's Government could bestow on them the slightest attention. I am persuaded Her Majesty's Government will never regard suggestions proceeding from unauthorised individuals. They will look only to the opinions expressed at the public meetings of the Jamaica proprietors, and conveyed to Her Majesty's Government as the resolutions of those meetings.

Sir, in order that the House may be fully aware of the extent of the injury which this Bill would inflict on the people of Jamaica, it is right I should put the House in possession of the nature of the constitution which this Bill would destroy; and I am the more desirous of doing so,

because I can easily believe that, from the particular nature of the subjects connected with the West India colonies, which, for many years, have engaged the attention of the House and the public, there are too many who are not so well acquainted as they otherwise might have been, with the constitutions of our different colonies, and with their distinguishing characteristics. It will be my duty to give, and I trust the House will not consider it an unprofitable occupation of a small portion of its time to hear, a short account of the constitution of Jamaica, of its origin and the principles upon which it is founded, and the respect it has been accustomed to receive from the Government of this country upon every occasion when the intemperate conduct either of a Ministry or of a Governor has assailed or placed in jeopardy any of the rights and privileges which that constitution conferred.

Sir, the government of Jamaica, according to its constitution, consists of the Sovereign of the United Kingdom, represented in the colony by a Governor, or Lieutenant Governor, and a Council, a body which has never been composed of more than twelve persons, five of whom are sufficient to constitute a board; they are nominated by the Crown, and hold their seats as Members of the Council at the pleasure of the Crown. They may be suspended even by the Governor himself, and may be appointed by him when the number is reduced to less than seven. This body forms also the Executive Council, as well as the Legislative Council. Besides these two branches of the Legislature, there is an Assembly, consisting of forty-five members, chosen by the freeholders of the respective districts which they represent.

This form of government is contemporaneous almost with the first settlement of the colony. When Jamaica became a part of the British Empire, her population were not the conquered inhabitants of a foreign state, but they were, in fact, the original settlers; those who resorted thither not only with the permission, but by the invitation and encouragement of the Sovereign. They were, in fact, British subjects leaving England with the permission of the Sovereign, and who became, therefore, upon principles of constitutional law, which have never been doubted, entitled to carry with them, and they did carry with them, all the rights and privileges of British-born subjects; so that, when a form of government had to be given to them as British

subjects thus settled in the colony, no form of government could be given to them less free than that of England. Incapable, in consequence of their absence from this country of participating in legislation here, incapable of being represented here, they, of necessity, required a representative government in the colony to which they resorted.

In the interval between the original settlement of the colony in 1655, and down to the period when Colonel D'Oyley obtained his commission, the inhabitants were occupied in preventing incursions from the opposite coast of the Spanish colony; and it was not till the year 1660 that we have extant the commission granted to Colonel D'Oyley. By that commission he was to summon a council of twelve persons; but those twelve persons were to be elected by the freeholders of the colony. Shortly after the Restoration, Charles the 2nd issued his proclamation, and that proclamation was either an original grant to the people of Jamaica of their rights and privileges, or, which I believe to be a more correct representation, it was a guarantee and confirmation of those rights which they carried with them from England, and which they then possessed.

I will take the liberty of reading part of that proclamation. It is dated 4th December, 1661. It is a solemn recognition of those rights to which, in the construction it has received, and in the protection which it has afforded to them, the people of Jamaica were entitled. It has been regarded as the guarantee of the Jamaica constitution and of the rights of the people of that colony. It begins with this recital:—

“We, being fully satisfied that our Island of Jamaica being a pleasant and most fertile soil, and situate commodiously for trade and commerce, is likely, through God's blessing to be of great benefit and advantage to this and other our kingdoms and dominions, have thought fit, for encouraging of our subjects, as well such as are already upon the said island as all others that shall transport themselves thither, and reside and plant there, to declare and publish, and We do hereby declare and publish.”

Then it contains several provisions relative to the grant of lands to the settlers, and then comes this important declaration:—

“And we do further publish and declare, that all children of any of our natural-born subjects of England to be born in Jamaica,

shall, from their respective births, be reputed to be, and shall be, free denizens of England, and shall have the same privileges, to all intents and purposes, as our free-born subjects of England; and that all free persons shall have liberty, without interruption, to transport themselves and their families, and any their goods (except only coin and bullion), from any of our dominions and territories to the said Island of Jamaica.”

With this commission Lord Windsor arrived in the island as the Governor. It would have been his duty, for the purpose of giving effect to that declaration of the Sovereign, confirming to the people of Jamaica, and their descendants, all the rights and privileges of free-born subjects; to have granted them that which is one of the most valuable of the rights and privileges of English subjects, a representative government. But he was expressly required to grant them that representative government in the instructions which accompanied and were referred to in his commission. His commission and instructions are to be found in the journals of the House of Assembly, in the appendix. The 20th article is in these words,

“You shall have power, with the advice of the Council, to call assemblies together according to the custom of our plantations, to make laws, and, upon eminent necessities, to levy monies, as shall be most conducive to the honour and advantage of our Crown, and the good and welfare of our subjects.”

Lord Windsor appears to have resided in the colony only a very short time. He was succeeded by Sir Charles Lyttleton. From the period of his arrival Assemblies were held, and laws passed. Sir Charles Lyttleton was succeeded by Sir Thomas Modyford and Sir Thomas Lynch, and afterwards by Lord Vaughan; and from that period down to 1764, Assemblies were regularly convened and laws passed by them; and at that period it appears there were thirty-two Representatives in Assembly.

Connected with this period of the history of the Jamaica Constitution, I may refer to a communication which Sir Charles Lyttleton made to the then Chancellor of England, in which he describes the character of the Government, and the principles upon which its administration might be most beneficially conducted. He observes, “The government is plain and easy, and was not truly, if I may have the liberty to say so, very disagreeable. The people are, generally, easy to be governed, yet apter to be led than driven.” This is a sound

principle, which succeeding Governors have found it not only most for their own ease, but also most for the benefit of the colony, to adopt. I am quite sure it is well worthy of adoption by that part of the Government in this country which presides over the colonies.

In the year 1677 the Ministry of Charles 2nd formed a scheme for introducing into the colony Poyning's Law. In other words, the Assembly was required to pass, without any alteration, laws which had been previously prepared in this country. They were to have the semblance of being Acts of the Legislature of Jamaica, when, in truth, they had been previously framed by the Ministry in this country.

The proceedings connected with this important period of the history of Jamaica deserve the attention of the House. They show, that at this period, upon the most ample consideration given to the rights and privileges of the people of Jamaica and the principles upon which they rested, it was found that such a scheme was incompatible with and subversive of those rights and privileges; and it was admitted that the colony ought to be left to the free exercise of all the rights and privileges of its representative government, and, necessarily, to free deliberation upon all the subjects of their legislation.

This attempt originated in some previous resistance by the Assembly to an unconstitutional interference with their rights by the Government at home. A report of the Board of Trade was made, by which it was recommended that the Government should send out a Commission and instructions, which in effect invested the Government in England with the sole power of legislating for the colony, since the Assembly was merely to give its assent to the laws transmitted to them. The Report of the Board of Trade contains this passage:—

“We have, pursuant to your Majesty's orders, prepared a body of laws, such as the Right honourable the Earl of Carlisle may be empowered to carry with him, and to offer unto the Assembly of Jamaica for their consent. Those laws were such that they may be consented unto as laws originally coming from your Majesty, and that for the future no Legislative Assembly be called without your Majesty's special directions, but that upon emergencies, the Governor is to acquaint your Majesty, by letters, with the necessity of calling such Assembly, and pray your Majesty's consent and directions for their meeting, and at the same time present unto your Majesty a

scheme of such Acts as he shall think fit and necessary, that your Majesty may take the same into consideration, and return them in the form wherein your Majesty shall think fit that they may be enacted; that the Governor, upon receipt of your Majesty's commands, shall then summon an Assembly, and propose the said laws for their consent; so that the same method in legislative matters be made use of in Jamaica as in Ireland, according to the form prescribed by Poyning's Law; and that therefore the present style of enacting laws, ‘by the Governors, Councils, and Representatives of the Commons assembled,’ be converted into the style of ‘Be it Enacted, by the King's most excellent Majesty, by and with the consent of the General Assembly.’”

Lord Carlisle arrived in Jamaica on the 19th of July, 1678, with a commission prepared according to this report, and with instructions to give effect to it. He presented to the Assembly, in 1678, a body of laws framed in England, and called upon the Assembly to give effect to them. One by one the Assembly rejected those laws thus offered to them. The Governor attempted to enforce the views of the Government. The history of that period exhibits instances of tyrannical and oppressive conduct by the Governor—the imprisonment of the Members who were most resolute in maintaining their constitutional rights. Some of those Members, and among others, the person filling the office of Chief Justice and Speaker of the Assembly, were sent as prisoners to England. But the justice of their resistance to this attack on their constitutional rights, became the subject of solemn deliberation by the Privy Council, assisted by the Chief Justice North. They examined the right of the people of Jamaica under their constitution, to a free representative government. They decided in favour of that right. The scheme was abandoned, and the rights of the people of Jamaica were recognized as inalienably attached to them, and as derived from the Constitution of England. Lord Carlisle's commission was revoked; a new commission was granted to him, and that commission recognizes the full power of legislation which was claimed by the representative body of Jamaica. The new commission which was granted to the Governor, after this decision, gives to him this power:—

“And we do hereby give and grant unto you, with the advice and consent of the said Council, full power and authority from time to time, as need shall require, to summon or call general assemblies of the freeholders and planters within the said island, and other the

territories under your government, in such manner and form as hath been formerly practised and used in the said island of Jamaica.”

Then comes the declaration,—

“That all such laws, statutes, and ordinances, of what nature or duration soever passed by them, be, within three months, or by the first conveyance after the making the same, transmitted unto us, under the public seal, for our allowance and approbation of them, as also duplicates thereof, by the next conveyance; and in case all or any of them be not before confirmed by us, shall at any time be disallowed and not approved, and so signified by us, our heirs or successors, under our or their sign manual or signet, or by order of our or their Privy Council, unto you the said Charles Earl of Carlisle, or to the Commander-in-Chief of our said island for the time being, then such or so many of them as shall be so disallowed and not approved, shall from thenceforth cease, determine and be utterly void, and of none effect, anything to the contrary thereof notwithstanding.”

Thus the House will perceive that the ultimate decision of the Government was a vindication of the rights of the Assembly. There was conferred on the Governor the power of calling general assemblies, and giving to the laws they passed full operation and effect, from the time they were passed, subject to be disallowed by the Crown, but until that disallowance was notified they were to have full force and operation, if they had received the assent of the three branches of the Jamaica Legislature, namely, the Governor, Council, and Assembly.

Sir, the Government of that day not only acted with justice, but they acted also with a spirit of conciliation. They sent as the Governor, in the room of Lord Carlisle, Sir Thomas Lynch, who had been previously Governor of the colony; and, in a speech with which he opened the Assembly, under the commission which I have just now read, he says,—

“The circumstance of my having been previously in the island was a consideration, and with a view of giving satisfaction to the Assembly, that the King and his Ministers had been moved to send me again; that all those passions that have so long agitated you might be calmed, and everything that gave you umbrage removed.”

Here then, Sir, was the Constitution rescued from the attack which was made by the Ministry of Charles 2nd, and the rights and privileges of the people of Jamaica completely secured to them.

An interval of some years followed,

during which an attempt was made by the Government to extort from the people of Jamaica a permanent revenue, resembling the 4½ per cent. duties which had been exacted from the people of Barbadoes. The Assembly of Jamaica resisted also, and with equal success, this attempt. They refused to grant any revenue permanently, unless they were secured that it would be appropriated to the purposes of the colony. The consequence of this resistance on their part was an attempt by the Government to deprive them of the common and statute law of England, and, in fact, to disallow the operation of any Acts which recognized it in the colony. But the Assembly remained unshaken in their purpose to maintain that which they considered their duty as representing the people of Jamaica. Notwithstanding dissolutions followed dissolutions, as well as prorogations prorogations, to a very considerable extent, during the interval which elapsed, yet ultimately the Assembly of Jamaica triumphed.

In 1728, the first year of the reign of George 2nd, the Assembly passed a law, by which the Crown gave up to the island the quit-rents, and accepted a revenue from Jamaica of a certain annual amount, but at the same time acceded to the conditions upon which alone the Jamaica Assembly would grant it, namely, that the Act which did grant it should contain also a specification of the particular services to which it was to be applied. That law contains this express enactment:—

“That all the Acts and laws of this island which determined and expired on the first day of October in the year of our Lord 1724, and not hereby, or by any former Act of the Governor, Council, and Assembly, now in force, altered or repealed, shall be, and are hereby revived and declared to be, perpetual; and also all such laws and statutes of England as have been at any time esteemed, introduced, used, accepted or received as laws in this island, shall and are hereby declared to be and continue laws of this his Majesty's island of Jamaica for ever.”

This, Sir, was the last of the struggles made on the part of the Government to deprive the people of Jamaica of the rights to which, as British subjects, they and their ancestors were entitled on the first settlement of the island, which had been guaranteed to them by the proclamation of Charles 2nd in 1661, and which they have continued to enjoy down to this day.

Sir, between thirty or forty years afterwards, that period arrived to which I believe there is no Englishman who does not

look back with feelings of shame and sorrow, and who, in tracing the history of his country, does not hastily turn over those of its pages which describe the obstinacy, the indiscretion, the madness, and the injustice of the parent state towards her subjects in North America. But the ways of God are vindicated to man in the retribution which falls upon States, when they forget the justice which they owe to their subjects. The day of retribution did arrive; the injustice towards the people of our North American possessions was visited with the loss of that valuable part of the British Empire.

At length, in the year 1778, after having shaken the confidence and weakened the attachment of all the colonies, this country resolved on endeavouring to regain their attachment, and revive their confidence by the passing of the Act by which the King and the Parliament solemnly pledged to all the colonies in America and the West-Indies, the national faith, that there should be no tax, duty, burden, or penalty, imposed upon, but through their representatives in Assembly, except duties in respect of the trade, navigation and commerce of the empire; but the proceeds of which, although raised by the authority of the Imperial Parliament, were left to be appropriated to the service of each colony, by its own Assembly,

Sir, that solemn pledge, given by the Act of the 18th of Geo. 3rd, cap. 12, is presented to the notice of this House, and continually renewed as often as you have to renew the Act for the regulation of of trade with our British West-India possessions. You find it, for instance, in the sixth of Geo. 4th, cap. 114; and again, in the third and fourth of William 4th, cap. 59, you have this enactment:—

“That nothing contained in this Act, or in any other passed in the present Session of Parliament, shall extend to repeal or abrogate, or in any way to alter or affect an Act passed, in the 18th year of the reign of his Majesty King George the 3rd, intituled, ‘An Act for removing all doubts and apprehensions concerning Taxation by the Parliament of Great Britain, in any of the Colonies, Provinces, and Plantations in North America, and the West-Indies, and for repealing so much of an Act made in the seventh year of the reign of his present Majesty, as imposes a duty on Tea imported from Great Britain into any Colony, or Plantation in America, as relates thereto.’”

Now, Sir, with respect to those duties which the Act does impose, those are duties of revenue; and there is in it an ex-

press clause directing, that they shall be paid into the hands of the Receiver-general of the colony in order that they may be appropriated in such manner, as the Assembly of the Colony shall from time to time direct. Thus, even when Parliament is exerting that power which it possesses, of imposing duties in respect of the trade, commerce, and navigation of the empire, it respects the pledge which has been given; it takes not those duties for its own use, but leaves them to be received by the Colonial Treasurer, and applied by the Colonial Assembly.

Sir, of the constitution of Jamaica, whether I advert to the source from which it was derived, or its subsequent solemn recognition, or its enjoyment, or the struggles made for its preservation, or the success which attended those struggles, I may say it was a constitution perfectly free. To Jamaica I may apply the language of Mr. Burke, who has been most justly called the greatest practical philosopher whom the world ever saw:

“She had, except the commercial restraint, every characteristic mark of a free people in all her internal concerns; she had the image of the British constitution; she had the substance; she was taxed by her own representatives; she chose most of her own magistrates; she paid them all; she had in effect, the sole disposal of her own internal Government.”

Such, Sir, is the Constitution possessed by Jamaica, such is the Constitution which this Bill is to destroy. I know, I may be told, that the constitution of Jamaica is to be suspended only for a limited time, for some few years. But, Sir, I cannot estimate the extent of this wrong by the length or shortness of the period during which the people of Jamaica are to be deprived of their constitution. Be it for five years, or for only one hour, that they are put out of the pale and protection of the British constitution, they would sustain too great a wrong for British subjects to receive, or for this House to inflict.

But this Bill will entail on them the despotism of this new Government, even after it shall have ceased by the effluxion of these five years, for the laws and statutes which this new Government is to make, may have perpetual operation. Every law and every statute which has previously been in existence in Jamaica may be repealed; new laws and new statutes may be passed; and if the Government of Jamaica were, at the expiration of five years, restored to its former freedom, it will be

restored only upon finding, that there may be a body of laws in existence which may have perpetual duration, and their former laws for ever repealed, unless the Governor and Council, concurred with the Assembly in repealing the one and reviving the other.

Sir, I shall have occasion presently, when I advert to the course pursued on a recent occasion, to contrast the proposed enactments of this Bill with the enactments introduced into this House to suspend the constitution of Lower Canada after that province had been in rebellion. I shall show you, that in this Bill there is not the same security or the same anxiety as was apparent in the Lower Canada Bill, that the laws which the new Government might frame should be of temporary duration only, and that upon certain subjects, it should possess no power of legislation.

Sir, this Bill, whilst it destroys the constitution of Jamaica, substitutes, as I have said, a new Government which is to unite the whole legislative and executive functions of the state in the mere nominees of the Crown. Although the Crown and the Parliament have by the statute 18th of Geo. the 3rd, cap. 12, renounced for themselves the power to tax the people of the colony, this Bill, if it passed into a law, would give that which they had renounced to the nominees of the Crown. It is proposed by this Bill to place in the power and at the disposal of this body composed of persons nominated by the Crown, and removable by the Crown, at its pleasure, the means of levying an annual revenue of seven or eight hundred thousand pounds upon the people of Jamaica, and of appropriating that sum for any purposes they please; yet a British House of Commons, jealous as it has always been of placing such a power beyond its own reach, and jealous as it must be of placing it beyond the reach of that body which represents the people of Jamaica, is asked to sanction a measure which places this large annual revenue of seven or eight hundred thousand pounds at the sole disposal of the Crown, or at least of those who are the nominees of the Crown.

Sir, it is not only in respect of the provisions of this Bill, and the species of despotism which it substitutes for the free constitution of Jamaica, that in the name and on behalf of the people of that colony, I complain. I also complain of the circumstances under which this Bill of heavy pains and penalties is brought into this

House. No communication was ever made to the Assembly of any intention to propose a measure which should deprive them of their right to a representative Assembly. No intimation whatever was ever given to them, that any such measure as that which is now before this House, was in contemplation. At this hour, they are ignorant of it. They have not supposed her Majesty's Government could be capable of bringing forward such a measure. Much as they have had to complain of the conduct which they have experienced from the Government, yet it has not yet excited in them so much distrust of the principles of the Government as to impute to her Majesty's Ministers the desire of destroying the free constitution of Jamaica.

Sir, this scheme, this new form of Government for Jamaica, was not intimated even to the individual who has now the honour of addressing you, although he holds, under the laws of the Colony the office of its agent; until the day before that on which the notice was given of a motion for bringing this Bill into the House.

Sir, was there not a reckless indifference to the interests of this great Colony? Was there not an utter disregard of the spirit of conciliation with which the Ministers of the Crown ought to act towards a Colony, in leaving not only the people of Jamaica, but their Agent, wholly unapprized of a measure of such vital importance to them. He was afforded no opportunity of conferring with the Ministers on the nature of this measure; and of urging the considerations which should induce them not to persevere in bringing it into this House.

Sir, the Agent of the Colony received no intimation of it, which he certainly, from his office, had a right to expect. He had a further right to expect it, likewise, because he asked to receive, and he was told he should receive, an intimation of it before the Government had decided upon it. He knew if the Government had decided, there was little prospect of his being able to alter their decision, and that such intimation could be of no advantage to him, if it was given him only after the measure had been decided upon by the Cabinet, a few hours before it was announced here.

Sir, amongst the many circumstances connected with the introduction of this measure which must excite strong emotion, one, and not the least, is the source from which it emanates, the Ministry by whom

this Bill is brought forward. This Bill which takes away from the people of Jamaica the representative part, the liberal part of their constitution, that which constitutes and secures the most important of the rights and liberties of the subject, is introduced and recommended to the House by a Ministry who sought, who retain, and who can only claim to retain power and office by the profession of an attachment to *liberal* principles of Government; a Ministry who destroyed existing institutions because they were not sufficiently liberal, sufficiently enlarged to promote the principles of representative Government. Yet this Ministry, by their present conduct towards Jamaica, are renouncing every principle and disregarding every profession, by which they have won their way to office, and by which they seek to retain it.

Sir, I would recal to the recollection of the House, that this same Ministry, professed to apply and to be governed by these principles, in dealing with the province of Lower Canada. In 1831, Lower Canada, received a grant of a part of the revenue of the Crown, upon the condition which, although not expressed in the Act, was well understood, and which ought in honour to have been observed, that they should settle a permanent revenue for the civil service of the Colony. For five years and upwards did the Assembly of Lower Canada refuse to raise any supplies; they wholly suspended the payment of the salaries of the civil servants, and in short, arrested, as far as it was possible, the progress of the whole civil Government. What was the course adopted by her Majesty's Ministers upon that occasion? Did they come to this House and introduce a Bill, suspending the Constitution of Canada? No; they were content to pass certain resolutions, and by one of those resolutions, to authorize the application of a part of the revenue of the province to the purposes of the civil Government. But even that resolution was not enforced. They, the Ministers, came down to this House, at the end of the Session, to take from the Treasury of this country the means by which they might defray the expenses of the civil government of Lower Canada.

Sir, we must presume that the forbearance of the Ministry towards the Assembly and people of Lower Canada, originated solely in tenderness for the constitution of that colony, and for the rights and liberties of the subject; in their reluctance to abandon the liberal principles which they

professed; in their strong repugnance to call upon this House and the country to assist them in taking away the representative government of Lower Canada. That was not all, Sir. What was the ground upon which the Assembly of Lower Canada refused to grant any supplies? Was it in the just maintenance of their constitution? No, Sir, it was because their demand that certain organic changes in the constitution of Lower Canada, changes irreconcilable with the constitution of this country, was not complied with, that they, by refusing their supplies, withheld from the Crown the means of carrying on the civil Government of that province.

Whatever may be thought of the course pursued by the Ministry on that occasion, they would be unwilling to have it attributed to any other motive than that of tenderness and respect for popular institutions. Upon that ground, they forbore to do more than to communicate to the House of Assembly of Lower Canada the resolutions adopted by both Houses of Parliament, and invite the Assembly to resume its functions, and provide for the civil list. They did communicate their resolutions to the House of Assembly. But the House of Assembly of Lower Canada indignantly spurned them, and refused to proceed with any legislative business whatever; and immediately afterwards you had the province in open rebellion against the parent state.

The following year, Sir, you had not only dissolutions, refusals of the supplies, the entire obstruction of the civil Government of Lower Canada, as the grounds on which the Government invoked the interposition of Parliament, but you had the province in open rebellion to justify an alteration in the Constitution of Lower Canada. There was not a speech delivered upon that occasion, on either side of the House, in which the necessity of the measure about to be taken, with respect to Lower Canada, was not deplored, and in which there was not evinced the greatest anxiety to justify that extreme measure, by the overwhelming necessity which existed. If the Ministry are entitled to any credit for the motives to which they attribute their forbearance towards the Assembly of Lower Canada, how can they reconcile with those motives totally opposite conduct on the present occasion, towards the Assembly of Jamaica. Sir, I should have asked this question, if the Assembly of Jamaica had exhibited the same conduct as had been exhibited by the Assembly of Lower

Canada. But the loyalty and fidelity and good feeling of the people of Jamaica are such, that they never have exhibited and never will exhibit similar conduct. The conduct of the Assembly of Jamaica ought not to be mentioned in the same hour with that of the Assembly of Lower Canada, except for the purpose of showing the contrast.

Sir, the Assembly of Jamaica never withheld the supplies for the unlawful purpose of compelling the Government to adopt organic changes in their Constitution. The Assembly of Jamaica did not withhold the supplies even for the just and legitimate purpose of maintaining its Constitutional rights. That body would not embarrass the civil Government of the colony by withholding the supplies; on the contrary, they expressly offer to provide them. Such is the import and effect of the resolution which they adopted for keeping faith with "the public creditor" of the island. The whole civil service of the Government in Jamaica is in fact provided for by the Assembly. The officers composing the civil service are the "public creditors" of the island. This is the ordinary language, not used on the present occasion only, but on all similar occasions when the Assembly speak of the supplies, and the purposes for which they are raised.

Well, Sir, the conduct of Jamaica has not been a refusal of the supplies. There has been no demand on the part of the people of Jamaica for an organic change in their Constitution. There has been no rebellion. But there was an assertion of their constitutional right of internal legislation; and yet, for no other act than the assertion of this right, the Constitution of Jamaica, which has existed for nearly two centuries is to be taken away, and in its place is to be substituted a despotic Government, which, when it has ceased to exist, may render the people, even on the restoration of their former Constitution, still subject to the laws which this new Government had enacted; and this extreme measure is to be taken at once, and by those very Ministers who ought, if they were sincere in their professions, and acted consistently with their professed principles, not merely to abstain from adopting any other course than that which they pursued towards Lower Canada in 1837, but to admit the soundness of the Constitutional claim made by the Assembly of Jamaica.

Sir, I might present to the House a con-

trast between the two Constitutions of Lower Canada and Jamaica? The Constitution of Lower Canada was the creature of the Act of 1791, exceedingly qualified, because, with respect to many subjects, its legislature could not legislate absolutely, as that of Jamaica can. There are certain Acts with respect to which the Governor of Lower Canada may interpose and suspend their operation until a communication has been made from hence; but with respect to the acts of Jamaica, the moment the Governor has given his assent to them, they become positive obligatory laws; and they cease to be so only when there has been an express disallowance of them by the Crown notified to the colony.

Now, Sir, I would ask, what is the act committed by the Assembly of Jamaica for which this heavy punishment is to be inflicted on that colony, and which act must be of such a nature as to place her Majesty's Government in the situation of renouncing all their former principles, and disregarding all their professions. You will expect to hear that Jamaica has committed some gross outrage, inconsistent with her allegiance to the sovereign; something approaching to the conduct of Lower Canada, and calling for a punishment similar to what was inflicted on that province. That I may discover the act for which this punishment is to be inflicted, I must look as in all other bills of pains and penalties, to the preamble of the bill, because there I am to find it. There must be the cause assigned for it. Now, Sir, the preamble of this bill is in these words—

"Whereas the House of General Assembly of the island of Jamaica, having been summoned to meet on the 17th of December, 1838, to make, constitute, and ordain laws, statutes, and ordinances, for the public welfare and good government of the said island; and having met in pursuance of such summons, did then resolve that, unless certain conditions should be complied with, to which it is not expedient that Parliament should accede, they would abstain from the exercise of any legislative function, excepting such as might be necessary to preserve inviolate the faith of the island with the public creditors. And whereas it has thus become necessary that temporary provision should be made for making, constituting and ordaining laws, statutes and ordinances."

Now, Sir, this preamble does not represent what really passed in the Assembly previously to the 18th of December, on which day (and not on the 17th), the Assembly met, after the general election. The

resolutions of the Assembly on the occasion, when they met did not express any conditions, or make their further legislation depend on the compliance with any conditions.

Sir, I will take the liberty of reading the resolutions adopted by the House of Assembly:—

“Resolved, first, that the Act of the British Parliament, intitled ‘An Act for the better Government of Prisons in the West Indies,’ is a violation of our inherent rights as British subjects, as recognized by the Constitution of this island and by the Act of Parliament, 18 George 3rd, cap. 12; that the same has not and ought not to have the force of law in this island, and that the authorities will not be justified in acting on it. Resolved, secondly, that the violation of our rights by the Parliament of Great Britain, in which we are not represented, is the less excuseable, inasmuch as the House was prepared to enter into the consideration of prison discipline as soon as the report of her Majesty’s Commissioner was officially before them. Resolved, thirdly, that the House have witnessed with the deepest regret the unmerited censure passed upon the inhabitants of this island, the extent to which the public mind in Great Britain has been poisoned against them, the absence of all confidence in the legislature, the reckless manner in which the laws passed by it have been disallowed, and the system of legislature for the colonies which has been determined on, whereby the power of the House has been fettered, and that body has ceased to exist for any purpose useful to the people whom they represent. Resolved, fourthly, therefore, that in the opinion of this House, they will best consult their own honour, the rights of their constituents, and the peace and well-being of the colony, by abstaining from the exercise of any legislative functions, excepting such as may be necessary to preserve inviolate the faith of the island with the public creditor, until her Most Gracious Majesty’s pleasure shall be made known, whether her subjects of Jamaica, now happily all in a state of freedom, are henceforth to be treated as subjects with the power of making laws as hitherto for their own government; or whether they are to be treated as a conquered colony, and governed by Parliamentary legislation, orders in council, or, as in the case of the late amended Abolition Act, by investing the Governor of the island with the arbitrary power of issuing proclamations having the force of law over the lives and property of the people.”

Sir, those resolutions were adopted on the 31st. of October, the second day after the House of Assembly met, according to the terms of a former prorogation. Having passed those resolutions, the Governor prorogued the House for one day, when the

Assembly again met, on the 3rd of November, and adhered to the resolutions of the 31st of October. The Governor then, as he says, appealed to the “constituency” of the island; writs were issued for a general election, which took place, and the Assembly again met on the 18th of December, when their previous resolutions were confirmed.

Sir, according to those resolutions, the House of Assembly, considering that the “Act for the better Government of Prisons in the West Indies,” (1 and 2 Vict. cap. 67), was an interference with their right of internal Legislation derived under their Constitution, and hitherto uninterruptedly enjoyed by them, made their appeal from her Majesty’s Government, by whom the Prisons Act had been introduced, under the circumstances I shall have occasion to detail to the House, to her Majesty, and expressed their intention of abstaining from all Legislation, except that of providing for the public supplies, until her Majesty was pleased to give an answer to that appeal.

Now that is the act, and the only act, for which her Majesty’s Government calls upon the British House of Commons to visit the people of Jamaica, by whose representative Assembly that act was committed, with the forfeiture of their Constitution.

Sir, before I call the attention of the House to the particular enactments of the West India Prison Act, I would humbly beg leave to state in what respect that Act does interfere with those rights of internal Legislation which the colony of Jamaica possesses under her Constitution, and which rights of internal Legislation are perfectly reconcileable with that supreme superintending power which the Government and Parliament of this country necessarily possess over each part of the British empire.

Sir, there is a line capable of being drawn between the supreme superintending power of the Imperial Government and the right of internal Legislation which is left in the possession of the colony. The people of that colony being British subjects, but not represented here, are entitled to have a representative Government in the colony; because, if they have it not there, they have it nowhere, and to have it nowhere is not consistent with the British Constitution, or with the rights which it confers on them as British subjects.

Now, Sir, if it is supposed that this line can have no existence because the supreme power is the judge whether that line has been transgressed, I would say that there

is, at least I hope there is, a sufficient security in the influence of that moral consideration which Mr. Burke addressed to a British Parliament, when its supremacy might encroach on the rights and privileges of the colony.

"We are" says that great statesman, "indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, Sir. But I confess that the character of judge in my own cause is a thing that frightens me; instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured judicial confidence, until I find myself in something more like a judicial character; I must have these hesitations as long as I am compelled to recollect, that in my little reading upon such contests as these, the sense of mankind has at least as often decided against the superior as the subordinate power; for let me add, too, that the opinion of my having some abstract right in my favour, would not put me much at my ease in passing sentence, unless I could be sure that there were no rights which, in their exercise, under certain circumstances, were not the most odious of all wrongs, and the most vexatious of all injustice. Sir, these considerations have great weight with me when I find things so circumstanced, that I see the same party at once a civil litigant against me in point of right, and a culprit before me while I sit as criminal judge on acts of his, whose moral quality is to be decided upon the merits of that very litigation. Men are every now and then put, by the complexity of human affairs, into strange situations; but justice is the same, let the judge be in what situation he will."

Sir, so long as the House of Commons allows itself to be influenced by the great moral consideration which is thus urged, no person need apprehend any difficulty in drawing the line between the supreme superintending power of the state and the right of internal Legislation, which is acknowledged to exist in the colony.

Sir, statesmen, whatever may be their political opinions, have invariably been disposed to respect the right of internal Legislation, whilst they were maintaining the supreme superintending power of the Imperial Parliament.

Sir, upon one occasion, and it was a very memorable occasion, in 1782, that was effected for Ireland which Jamaica had obtained in the year 1678. Ireland obtained by the Declaratory Act in 1782 that which the constitution of Jamaica acquired by the proclamation of Charles the Second. In the debate on the affairs of Ireland in that year, Mr. Fox used this language—

"And first with regard to the Act of the 6th

of George 1st, it had always been his opinion out of office that it was downright tyranny to make laws for the internal government of a people who were not represented among those by whom such laws were made. This was an opinion so founded in justice, in reason, and in equity, that in no situation had he, or would he ever depart from it; it was true, nevertheless, that he was not an enemy to the Declaratory Act which had been passed relative to America, yet his principles were not inconsistent or incompatible with that Act. He had always made a distinction between internal and external Legislation, and though it would be tyranny to attempt to enforce the former in countries not represented in the British Parliament; yet he was clear that the latter was in reason and in policy annexed to the British Legislature; this right of prerogative or supremacy he was convinced would never have given umbrage to any part of the British Empire, if it had been used solely for the general good of the empire, but when it was made an instrument of tyranny and oppression, it was not to be thought wonderful that it should excite discontents, murmurings, and opposition. When local Legislatures were established in different parts of the empire, it was clear that it was for this purpose, that they might answer all municipal ends, and the great superintending power of the state ought not to be called into action, but in aid of the local Legislature, and for the good of the empire at large."

Sir, Mr. Pitt was equally opposed to interference with the internal Legislation of a colony. In 1796, Sir Philip Francis was desirous of introducing into this House a Bill for the government of the slave population of the colonies. Upon that occasion, Mr. Pitt thus expressed himself,

"He cautioned the House against stirring a question of such a delicate nature; it would only excite a spirit of jealousy, and defeat its own object. The House had relinquished the power of making any alteration with respect to the property of the negroes; it had given out of its own hand the powers of taxation in the colonies; therefore if the stirring of any question was more dangerous than another, it was that to which he now adverted. If Parliament reserved its undoubted right to regulate every measure that relates to trade, it retained the power of abolishing the slave trade."

Mr. Windham, upon the same occasion, expressed a similar opinion. The ground taken by Mr. Pitt for the abolition of the slave trade, was admitted by the opponents of that measure; and those who appeared at the bar of this House against the Bill for the abolition of the slave trade, never, for one moment, doubted that it was peculiarly a subject on which the Imperial Parliament could alone Legislate. The mo-

ther country had created this trade, and in her therefore was the right to abolish it.

Sir, this House has, on many occasions, recognised and adopted these principles. Sir, in 1815, the late Mr. Wilberforce introduced into this House a Bill for establishing a registry of slaves in the several colonies. The Assembly of Jamaica, and the great body of Jamaica proprietors in this country considered that the enactments of the details of that Bill would be an interference with the right of internal Legislation. It would have been an act of internal Legislation by the Imperial Parliament. What, Sir, was the course which Mr. Wilberforce pursued on that occasion? He did not force his Bill through the House. He was contented that it should be printed, and laid on the table of the House, in order that the different colonial Legislatures might be apprised of the feeling in this country that such a measure was necessary. The Assembly of Jamaica offered their remonstrances against that Bill, not in respect of the subject matter of its enactments, but because it was a direct interference with their right of internal Legislation. They passed in their session, of 1815, certain resolutions, which were brought under the notice of this House. They were treated by Mr. Wilberforce and by the Government as expressing the sentiments of a body jealous of its rights. No one presumed to consider them as deserving condemnation. I will read to the House those resolutions,

“Resolved, that the inhabitants of this island have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of Parliament, and explain the condition of their country, and ought not to be bounden by laws, or touched and grieved by subsidies, fees or penalties, enacted, granted and imposed without their assent, other than such external regulations in respect of commerce as are necessary for the common weal of the empire. Resolved, that the inhabitants of this island have always acknowledged the power and authority of Parliament to make all laws necessary for the general benefit of the empire, or affecting the whole subjects thereof; for regulating our external relations, navigation, trade, and commerce, and have not been disposed captiously to raise difficulties about the exact limits between this constitutional jurisdiction and the right of internal Legislation.”

In the opposition of the Assembly of Jamaica to internal Legislation by the Imperial Parliament, many eminent persons in this country concurred. A strong re-

pugnance to it was expressed by a noble Lord, a Member of her Majesty's Government, the Chancellor of the Duchy of Lancaster. Lord Holland, in the House of Lords, on two occasions, expressed his decided objection to the Registry Bill, because it was a measure interfering with the internal regulation of the colony, and must lead to what he called polemical Legislation. Mr. Wilberforce, I have already stated, proceeded no further with the Bill, in 1815, than to print and lay it on the table of the House. In 1816, Lord Grenville, in the House of Lords, moved for certain papers connected with the colonies. Having, in his speech, referred to the Registry Bill, Lord Holland made these observations:

“He approved, of the registration of slaves, and he had recommended to those who were concerned to pass and enforce it, but he had some doubts as to the expediency of it on our part. We should be cautious how we entered into a system of polemical Legislation for our colonies. Though he should vote for the motion of his noble Friend, in order that the House might have the fullest information respecting the condition of slaves in the West Indies, he had no hesitation in saying, that of the wisdom of a Bill for the registration of slaves passing the British Parliament, he entertained very considerable doubts.”

And he repeated it in a subsequent debate in the month of May following; and, to a certain extent, his opinion obtained the concurrence of Lord Grenville.

Now, Sir, what was the result of the course pursued by Mr. Wilberforce and the Government, in 1816. The Assembly of Jamaica were invited by the Government in a conciliatory and respectful message sent to the House by the Duke of Manchester, to bestow their attention on the expediency of establishing a registry of slaves in the Colony. The Duke of Manchester, in that message, represented the proposal as a discreet and conciliatory course which the Government of that day had adopted; that they had instructed him to communicate to the House the strong desire entertained by both Houses of Parliament, that such a measure should be adopted; that the Government had prevented its being proceeded with by the Imperial Parliament, in the confident expectation that if a liberal and frank appeal were made to the Assembly, they would render any further discussion of it in England unnecessary. The House of Assembly met the conciliatory conduct of the Government, just as they will always meet the conciliatory conduct of

any Government. They immediately proceeded to pass a Bill establishing a registry in the Colony, and directing that the returns to be made to it should be sent to England. The Assembly thus completely carried into effect the views of Mr. Wilberforce, as recommended by the Government. What followed? When the Assembly met in the succeeding year, the Duke of Manchester, in his speech, acquainted the House, that—

“The Prince Regent has been pleased to express his entire approbation of the measures which you adopted during the last session, for preventing any evasion of the laws relating to the abolition of the slave trade, and for improving the comforts of the negro population; his Royal Highness not only regarding them as containing provisions highly important in themselves, but as manifesting a system of liberality and justice most creditable to the Colony; and, I assure you, it affords me particular gratification to see those proceedings which I know to have originated in the best and most considerate motives so justly appreciated by his Majesty's Government.”

Now, Sir, let me draw the attention of the House to the parliamentary legislation connected with the registration of slaves. There being established in the colony, by acts of its own legislature, a registry of slaves, and the returns made to that registry being required by it to be transmitted to this country, the Imperial Parliament, in 1819, passed an Act to establish a registry in this country, to receive those returns, and to appoint a registrar. That Act contains a most important provision—important in every respect, but more especially so, as marking and illustrating the distinction between legislating for subjects or persons within Great Britain, and for that reason the peculiar and appropriate subjects of legislation by the Imperial Parliament, and subjects or persons in the colony—and, for that reason, the peculiar and appropriate subject of internal legislation by the colony.

It will be in the recollection of the House, that one of the provisions of that Act prevents any deed or instrument from transferring, or creating any interest in, or charge on, slaves—unless the deed contain, in the body of it, or in a schedule annexed to it, the names and descriptions of the slaves, the subject of the deed, as they are given in the last registry returns, deposited in the office in this country. Now, I beg the House to mark the caution with which the Act proceeds to limit its operation. It does not require that all deeds conveying or charging, should contain this schedule or

description, but those deeds only which are executed in the United Kingdom. It is wholly silent as to deeds executed in any of the colonies, or in any other part of the world. Thus, whilst the deed, if it were executed in England, would be utterly void unless it contained a description of the slaves; yet, if executed in the colony, it would be valid without that description. That Act is, the 59th George 3rd, cap. 120, intituled “An Act for establishing a Registry of Colonial Slaves in Great Britain, and for making further provision with respect to the Removal of Slaves from British Colonies.” The ninth section enacts, “That, from and after the first day of January, 1820, no deed or instrument made or executed within this United Kingdom, whereby any slave or slaves, in any of the said colonies, shall be intended to be mortgaged, sold, charged, or in any manner transferred or conveyed, or any estate or interest therein created or raised, shall be good or valid in law, to pass or convey, charge or affect, any such slave or slaves, unless the registered name and description, or names and descriptions of such slave or slaves shall be duly set forth in such deed or instrument, or in some schedule thereupon endorsed, or thereto annexed.” I refer to this Act, and to the whole proceeding connected with the establishment of the registry, not only with the view of contrasting the motives and principles which influenced the Government of that day, on the subject of internal legislation, and their conduct towards the colonial Legislature, with the conduct which the present Government have adopted, but of enabling the House to perceive that, when the sense of the Government by Parliament is expressed in favour of any subject of legislation, and is communicated to the Legislature of the colony, in a manner which does not outrage the feelings of her people, you will not fail to accomplish your object. It will be effected without invading their Constitution, and without giving them any ground of complaint.

Sir, I consider that, both upon principle and certainly in practice, it belongs to the Legislature of the colony to legislate on all matters which affect solely and exclusively persons or property within the limits of the colony. These are the legitimate, constitutional subjects of internal legislation; the supreme superintending authority of the Imperial Parliament is exercised in respect of subjects which, from their very nature, are not of this limited and exclusive character.

Sir, I know not a single instance, since the 18th of George 3rd, cap. 12, of an Act of internal legislation by the Imperial Parliament affecting persons and property solely and exclusively within the limits of the colony. I could show that two or three Acts of the British Parliament, prior to the 18th of George 3rd, (and there are not more than two or three) which, upon the face of them, might seem to import internal legislation, might be supported on principles and grounds peculiar to themselves, and which would leave untouched that proposition I have stated, that the legislation by the Imperial Parliament has not been extended, when the persons and property to be affected by it were solely and exclusively in the colony. The abolition of the slave trade took place by the authority of the Imperial Parliament, on the ground stated by Mr. Pitt. It was a subject of trade. Its abolition was beyond the reach of the Legislature of any colony. It could only be abolished by the Imperial Parliament.

The abolition of slavery, in 1833, was a matter of compact between the Parliament of this country and the persons who were possessed of slaves—the one giving, and the other receiving, a consideration for their property, and receiving it under the authority, and by virtue of, the Act which abolished slavery. But, even here, the legislation of the Imperial Parliament was interposed no further than was necessary to secure the performance of this compact. There was a sound, wise, constitutional desire evinced by the Colonial Minister of that day, to leave to the colonial Legislature all its powers and functions. He left the great details of that measure to be filled up by the enactments of the colonial Legislature. In fact, he left in the colonial Legislature the power to make the abolition of slavery their own act. The abolition of slavery stands as the act of the Jamaica Legislature, passed by itself.

Sir, upon that occasion, a desire was evinced by the Government to respect the rights and privileges, and to conciliate the feelings of the people of Jamaica. It is an act of justice to the noble Lord by whom that great measure was introduced into the House of Commons, that I should mention a particular proof of that disposition. Sir, it happened that, in the first draft of the Act for the Abolition of Slavery, the 21st clause contained a provision which was directly at variance with that part of the proclamation of Charles the Second which gave to the Acts of the Jamaica Legislature full

force and effect, the moment they had received the assent of the three branches of the colonial Legislature, and left them only to be invalidated by the express disallowance of the Crown. It was the right of the people of Jamaica, under the declaration of Charles the Second, that the Acts of their Legislature should be in full force when they were passed, and that their operation should not be suspended until the King's assent was given. This is a right peculiar to the constitution of Jamaica. It does not exist in the other colonies. Sir, the 21st clause in the draft of the original Slavery Abolition Act was inconsistent with this right, as the House will perceive when I read that clause. It was in these words:—

“That no Act which may be passed, and that no ordinance which may be made for the several purposes aforesaid, or any of them, by any such Governor, Council, and Assembly, or other colonial legislature as aforesaid, shall be of any validity, force or effect, unless the same shall contain a provision for suspending the operation thereof in any such colony until his Majesty's pleasure thereon shall have been signified.”

Sir, the moment I pointed out to the noble Lord that this clause interfered with that established right of the Jamaica Legislature, that its laws should have full operation without any suspending clause, the noble Lord struck the clause out of the Bill, and it is not to be found in the Act as it was subsequently passed. Here is the true principle on which the executive government of colonies should be administered. Create no cause for disputes and differences; remove them where they exist, and adopt conciliation in fact as well as in tone and language; and accomplish your object by open and generous confidence.

Sir, in 1837, in consequence, I believe, of Lord Sligo the then Governor of Jamaica having committed a breach of the privileges of the House, for which her Majesty's Government required him to make reparation, and which reparation he subsequently did make, an Act of the Jamaica Legislature, in aid of the Slavery Abolition Act, had expired. It was revived and continued until 1840, by an Act of the Imperial Parliament, introduced into this House by the present Judge-Advocate. Upon that occasion, even in relation to the apprenticeship, and the subject matter of the Slavery Abolition Act, the Government pursued a course very different from that

which they adopted in the instance of the Prisons Act, although then there was no longer any apprenticeship. They did not bring in a Bill to enact, that this expired Act should forthwith, and by force and authority of the Act of the Imperial Parliament, be revived and continued, whether the colonial legislature did or did not pass an Act? No. The Act to which I refer, the 6th and 7th William 4th cap. 16, contains a proviso, that the Act of the colonial legislature should be revived by authority of that Act, unless, before the time mentioned, some Act or Acts "shall have been passed by the Council and Assembly of the said island, in substitution for this present Act, and shall have been assented to by the Governor." Now, Sir, by this mode the colonial legislature was afforded an opportunity of passing the Act of its own authority. At this time there was a desire on the part of Her Majesty's Government, not to create irritation on the part of the colony, but to obtain their object by means of the colonial legislature, and without interfering with the rights of legislation possessed by the colony.

Sir, the Act which immediately follows in this volume (the 6th and 7th William 4th cap. 17,) affords another illustration of the sound principles on which legislation by the Imperial Parliament in relation to the colonies ought to be interposed, and a just recognition of the right of internal legislation enjoyed by the colonies. It was an object, and a very salutary object, of Her Majesty's Government, to make provision for the better administration of justice in certain of the West India Colonies. This Act of the 6th and 7th of William 4th, cap. 17 was passed. I beg the attention of the House to the preamble, which states the reason of, and the necessity for, the interposition of Parliament:—

"Whereas certain Acts or statutes have heretofore been passed and enacted by the legislative councils and general assemblies of His Majesty's islands of Barbadoes, St. Vincent, Grenada, Tobago, Antigua, Montserrat, St. Christopher, Nevis, Dominica, and the Virgin Islands, in the West Indies, for erecting therein certain superior courts of justice; and by such Acts of Assembly, or some of them, the said courts are invested with an exclusive jurisdiction over all persons within the said islands respectively, and in all causes, civil and criminal, arising within the same; and such Acts having been assented to, in the name and on the behalf of his Majesty's royal predecessors, by the Governors or by the officers administering the governments of the

said islands, were subsequently allowed and confirmed by His Majesty's said royal predecessors, with the advice of their Privy Council:—"And whereas it is expedient to make provision for the better administration of justice throughout the several islands aforesaid, and for that purpose to erect two courts of judicature within the same, and to commit to such courts a superior and exclusive civil and criminal jurisdiction, to be exercised by them, throughout of several such islands, constituting distinct and separate governments, and possessing distinct and separate general assemblies:—"And whereas by reason of the separation of the governments of the said several islands, and of the general assemblies thereof, such courts of judicature cannot be erected without having recourse to the assistance and authority of Parliament."

Unquestionably not; you could not by an Act passed in Antigua, constitute a court for the people of Montserrat. But the people of Montserrat were interested in, and were to have the benefit of, and be subject to the jurisdiction of the court established by this Act. Again, there were laws in each of these colonies with which this Act would be at variance. It would not have been competent for the legislature of Antigua to have repealed a law passed by the legislature of Montserrat.

The court which was to exercise jurisdiction in these several colonies obviously, could not be created by the authority of their legislatures. It could, therefore, from necessity be created by no authority less than that of the Imperial Parliament. Upon this ground, and upon this ground only, and which the preamble avows, is this Act passed. The same respect for the rights of the legislatures of the colonies is evinced in the 22d section, which contains this express proviso,

"That nothing herein contained shall extend or be construed to extend, to repeal, annul, alter or affect any Acts, statutes, laws or lawful customs, or usages in force within the said islands or governments, or directly or indirectly to introduce or establish within such islands or governments, or any of them, any Acts, statutes, laws or customs not now in force within the same, or to alter the rules of practice or methods of proceeding in administering justice within such islands, or any of them, save and except only so far as relates to the courts in which, and the judges by whom justice is administered within the said islands and governments; and such rules of practice and method of proceedings shall continue to be in force, and to be established within the same, as fully and effectually to all intents and purposes, as if this present Act had not been made."

Then comes another very important provision which even in the case which, as the preamble says, the measure could not be effected without the interposition of Parliament, by reason of the separate legislatures and separate governments of those colonies, evinces the same anxiety not to interfere with the internal legislation by the colony, if it could be avoided. The 24th section enacts,

"That this present Act shall not come into operation, and shall not be binding or in force upon his Majesty's subjects or other persons residing and being within the said islands and governments; and that such letters patent or charters as aforesaid shall not be made or issued" (those were the letters patent for creating those new courts), "unless the legislative councils and general assemblies of the said several islands or governments shall by some Acts of Assembly to be by them for that purpose first made and enacted, have provided, that all and every the Acts, laws, statutes, customs and usages in force within the said islands and governments, in so far as the same might or could in any wise obstruct or interfere with the operation within such islands or governments of this present Act, and of the said charters or letters patent, shall be absolutely repealed or annulled, nor unless such repeal shall be made to take effect immediately upon the promulgation of such charters or letters patent within the said islands or governments, nor unless such Acts of Assembly shall be assented to, in the name and on the behalf of His Majesty, by the Governors or the officers administering the government of the said islands or governments, and shall be confirmed and allowed by His Majesty with the advice of His Privy Council."

Sir, I have here a uniform series of legislative proceedings on the part of this country, avoiding, and anxiously avoiding, all interference with the internal legislation of the colony. I have the conduct of the Government on various occasions evincing an anxiety, even with respect to the most important objects, not to accomplish those objects, except through the intervention of the colonial legislatures. And now I ask the Government on what ground or pretext they depart from that course of legislation, by introducing into Parliament the "Act for the better Government of Prisons in the West Indies" (1 & 2 Vict., cap. 67), that Act which, as the House will have perceived from the resolutions of the Assembly, was regarded by them as an interference with their right of internal legislation.

Sir, no one can deny but that its enactments are exclusively matters of internal

legislation, applying solely and exclusively to persons and subjects in the colony. It is said in Lord Glenelg's circular despatch of the 13th of August 1838, as an excuse for this interposition, that it was a measure relating to all the colonies, because it was desirable to adopt one uniform system of prison discipline and arrangement. I confess, Sir, when I read that statement I felt myself perfectly incompetent to understand how any one could have ventured to make it. Uniformity of discipline and arrangements in the creation, erection, superintendence and regulations of the gaols in the twenty-two colonies in the West Indies, differing not only in laws and habits, but in extent of population and territory! What had the people in Barbadoes in common with the people in Jamaica or Montserrat as to their prisons? How could any man conceive, that there was anything in this statement approaching to a reason for the interposition of Parliament? I can understand in the case of the West India Judicature Act (6 & 7 William 4.) how the interposition of Parliament was indispensably necessary, because the legislature of no one colony could effect that which the Act effected. But the legislature of each colony can pass a law for regulating its own gaols.

The regulations which may be adapted to one colony may not be adapted to another. Is it really supposed, that prison regulations proper for Jamaica will be suitable for a gaol in Tortola, a small island over the whole of which one may ride in an hour and a half? And yet we are told, that this interposition of the Imperial Parliament was called for by the circumstance that there are prisons in all the twenty-two West India islands, and that it was desirable, that they should have a uniformity of discipline and arrangement. Why, Sir, it is impossible to deal seriously with so absurd a reason.

Now, Sir, I humbly ask the House to bear with me while I present to their attention some of the extraordinary circumstances which accompanied the introduction of this Prisons Act into Parliament. Its enactments consist of little more than clauses empowering the Governor in Council to appoint inspectors, and make regulations subjecting persons to penalties who should obstruct the inspectors in their examination of the gaols.

Sir, this measure was introduced into the House of Lords on the 16th of July, 1838, the very day after the packet arrived,

bringing intelligence to Her Majesty's Government from Sir Lionel Smith (his despatch being dated the 7th of June), that the Assembly of Jamaica had resolved on relinquishing the remaining two years of the apprenticeship—a resolution which they had no alternative but to adopt, after the language with which the Governor addressed them, authorised, as he must have been, so to address them by her Majesty's Government—I say authorised by Her Majesty's Government, because it is quite impossible that any Governor would have incurred the heavy responsibility of calling upon the Assembly to put an end to the apprenticeship at once, if he had not the full sanction of the Government for that course. You have, then, Sir, the fact that Lord Glenelg was apprised, on the 16th of July, that the House of Assembly had determined to abolish at once the apprenticeship, yet it is on that day that Lord Glenelg places on the Table of the House of Lords the Report of Captain Pringle, and introduces and reads, for the first time, the Bill “for the better Government of Prisons in the West Indies.”

Sir, if it be prudent as well as just to conciliate the people of a colony, and by conciliation and confidence to promote their cordial co-operation in such measures as the Government may consider necessary, it would be as much the interest as the duty of the Colonial Secretary to communicate to him, who, from his office and connexion with the colony, might be supposed to be acquainted with the feelings of the people, those measures which he contemplated.

Sir, I heard (and I wish to state it here) of that Prisons' Bill by mere accident, the day after it had been read a first time. As soon as I could obtain a copy of it, I saw at once the inevitable consequences which would result, if her Majesty's Government persisted in carrying it through Parliament. I immediately addressed myself to the Colonial Secretary. I claimed from Her Majesty's Government the confidence in the Assembly which they merited by their relinquishment of the apprenticeship. I claimed confidence in the spirit of the future legislation by the Assembly, now that all the anomalies and difficulties incident to legislation in the states of slavery and apprenticeship no longer existed. I asked the Government, as an act of justice, now that the apprenticeship had been abolished, and the whole population were free persons, to give the Assembly credit for a spirit of perfect fairness to every class

of persons there. I called upon the Government, therefore, to pause before they proceeded in that measure. Sir, I considered it my duty to address to Her Majesty's Government a distinct and formal protest against that measure. I did so, because I was convinced that the Assembly would regard it as a wanton and unnecessary interference with their right of internal legislation, as evincing a total want of confidence in them; that they would regard it as the means by which the Government desired to goad them into some act which might be made use of to inflict further wrongs. I forewarned the Government that it would lead to the collision which has, in fact, taken place. I entreated the noble Lord at the head of the Government to pause. I told him that if I had not been perfectly convinced that the measure was entirely repugnant to the principles upon which Parliament had, up to that time, been proceeding, and that it must and would be so considered by the people of Jamaica, nothing should have induced me to enter my protest against that Bill. I knew some weight would, in Jamaica, be attached to the opinion it expressed. I felt how important it was to the interests of Jamaica, that there should be an end of collision between the Government and the Assembly of Jamaica. I felt how much the future welfare, the disposition, and the industrious and social habits of the emancipated population would be affected by the continuance of that collision, and by the passions and feelings it would excite. I was certain that the Assembly of Jamaica would feel, as I think they were entitled to feel, that the introduction of this measure, by Her Majesty's Government, was an act of harsh, unmerited wrong.

Sir, as a return for sacrificing that which Parliament had solemnly pledged the faith of the nation the people of Jamaica should retain for two years longer—a sacrifice which they made at the instigation of the Governor, an instigation which the Governor never could have made upon his own responsibility, but which must have been made under the sanction and authority of the Government, that Government introduced, and passed an Act interfering with their right of internal legislation, in a way which never took place before, of which I defy any lawyer, be his research what it may, to produce, from the Statute Book, a similar instance. Sir, such was the return the people of Jamaica received

for relinquishing that interest, for the preservation of which Her Majesty's Government claimed credit, although their own representative in the colony was telling the people, "It is true, Parliament has not abolished the apprenticeship, but you cannot continue it; you, yourselves, must put an end to it, for I tell you, from my experience, that it is physically impossible for me to maintain the peace of Jamaica, unless the apprenticeship be put an end to." It was not the House of Assembly in Jamaica who put an end to the apprenticeship; the apprenticeship was abolished when the representative of Her Majesty's Government held that language. It was not the Assembly, but it was the Governor of Jamaica, acting upon the feelings and upon the influences which belong to the state of society there, who did that which the Government could not do here; because, as long as there is in Great Britain a respect for the faith to which the nation is pledged, they could not have lent themselves to such an Act.

Sir, the Prisons' Bill was pressed through the House of Lords with a degree of celerity which, truly, if that Bill had been a just Bill, if it had been called for by the most urgent, overwhelming necessity, would excite astonishment. Sir, is it a matter of every day occurrence to legislate for the internal government of your colonies? Is such interposition of so frequent occurrence that the Secretary of State may introduce into Parliament a Bill of exclusively internal legislation, without saying one word in explanation or justification? With no precedent to justify it, with no explanation, is this Bill, at the close of the Sessions, hurried through the House of Lords. It was read a second time before my protest could be laid upon the Table of the House; but that protest was certainly under the notice of that House before the Bill was read there a third time. The Bill, Sir, then came here. It passed rapidly through this House. Here also was my protest. I am not aware that any explanation was given of the cause of this Bill or even of the provisions it contained. I can understand a British House of Commons, so far confiding in the responsible servant of the Crown, that when he came forward with a measure which he was passing as a mere matter of course through Parliament, it was one which was not unprecedented in principle, or in its enactments, which involved no probable or possible collision between the Government and the Colonial

Legislature, and that it would not produce those consequences of which I had distinctly apprised the Government.

Sir, I must say, with great deference, that it was due to this House and to the other House of Parliament, that it should have been stated, that objections to this measure were entertained, and that there were certain consequences predicted as likely to result from it. The opportunity should have been afforded to Parliament by Her Majesty's Government, of deciding whether, under all the circumstances, and at such a crisis, it would pass this Bill, or whether it would not afford to the legislature of Jamaica an opportunity of passing equally salutary enactments, if it had not already passed them, as I will presently show the Assembly had, as long since as 1834, and which are embodied in an Act of its own; an Act, considered by the Marquis of Sligo (no eulogist of the Assembly) to contain enactments most salutary and beneficial—so salutary and beneficial as to have been adopted by the Governor in Council, under the authority of this very Prisons' Act. Yes, Sir, the very regulations made under this Prisons' Act, had been already enacted by the Jamaica legislature in 1834, for the government of their prisons. Sir, that Act also constituted the local magistrates as visitors. It will not be said, "Oh! those were local magistrates; we do not trust local magistrates." Sir, it is perfectly well known that the special or stipendiary magistrates also hold commissions as local magistrates. Now, the very persons whom the Governor has appointed inspectors under the Prisons' Act, had the same powers of inspection under the Jamaica Act of 1834.

Now, Sir, although this Prisons' Act is treated, on the part of the Government, so much as a matter of course, that no cause whatever is alleged in either House of Parliament for its introduction, yet one hears it insinuated, rather than stated, that there had been a want of attention on the part of the Jamaica legislature to the subject of prisons and prison discipline. Now, Sir, I will show that there is not the least ground for this insinuation. I will show, that, from the first communication which the Governor, Lord Belmore, made in 1829, to the close of the Session of 1838, the subject of prisons and prison discipline had been under the consideration of the Assembly of Jamaica; that the Assembly has passed no less than four Acts upon this

subject—amongst others that Act which, as I have stated, was represented by Lord Sligo to be a most beneficial measure—that they have raised money to a considerable amount for the erection of prisons; and that every disposition was evinced, on the part of the Jamaica Assembly, to carry into effect the views of Her Majesty's Government on the subject of prisons, so far as they had not been already attained. I will show the House how far they had been attained by the Act passed in 1834.

Sir, I have stated, that Lord Belmore sent a message to the House of Assembly, calling their attention to a scheme for prisons and prison discipline, which had been suggested by the Commissioners of Legal Inquiry, and an Act was passed which is to be found among the Jamaica laws of 1830.

In 1832, the Assembly sent this answer to a message of the then Governor (Lord Normanby):—

“We are ordered by the House to wait on your Excellency, and state, in reply to your Excellency's first message of the 16th November, that they have taken into their consideration your Excellency's suggestions respecting the classification of the persons in the Surrey gaol. The House have directed us to assure your Excellency that, anxiously impressed with a desire to improve the system of prison discipline throughout the island, they will at all times be ready to give their most favourable consideration to any measure calculated to promote an object of such vital moment to the well-being of society.”

Sir, in 1833 the Session was entirely devoted to the consideration of the measure for the abolition of slavery. In the speech of the noble Lord, proroguing the Assembly, he, in language of the warmest approbation, anticipated the commendation which they afterwards received from the Sovereign for the adequate and satisfactory manner in which they had passed the Act for the abolition of slavery. Jamaica was the first of all the colonies to take this step. She set a noble example to the other colonies. The value of this example was at that time appreciated and acknowledged by the Government.

In 1834, the Marquess of Sligo became the Governor. He met the Assembly on the 3rd of June in that year. In his speech on that occasion, he called their attention to the subject of prisons, and the Assembly gave him this answer:

“Our attention shall also be directed to the insecure state of the gaols, to the means of

raising a police force, and to the providing of places for the safe holding of persons undergoing that temporary confinement which, under the new Act, is likely to be resorted to as a mode of punishment.”

Sir, the Assembly redeemed that pledge. They passed the Act of 1834, to which I have referred, the enactments of which were not only unexceptionable, but, on the contrary, were, as I have already stated, so beneficial that they form almost the identical regulations adopted by the Governor in Council, under the Prisons Act of 1838. Besides those enactments, by the eighth clause it empowered “any justice of the peace, of his own free will and pleasure, without being appointed a visitor, to enter into and examine every prison, house of correction, hospital, or asylum of such parish for which he is a justice, at such time or times, or so often as he shall see fit;” and if he should discover any abuses, then the course which he is to take is pointed out.

Lord Sligo, in his speech in the succeeding Session, referred to this Act. He said,

“One of the most beneficial Acts of the last Session, has, I regret to say, remained unnoticed in more than one instance. I allude to the bill for the establishment of places of confinement, with tread-mills, in each parish.”

The Assembly, in their address, gave this answer.

“The Act of the last Session, authorizing the establishment of places of confinement, with tread-mills, is one which we feel satisfied will prove beneficial, and the House are convinced that, to the pressure of the times, and the short period that has elapsed since the passing of the Act, is to be attributed the delay which may have taken place in some of the parishes in carrying its provisions into effect.”

The Governor, in his reply, says,

“With regard to the erection of places of confinement, with tread-mills, I have merely to say, you have, in your wisdom, deemed that they were necessary, in which I fully concur. That the expense may be inconvenient to some of the parishes, I feel with much regret. The motive which induces me to press the matter on you, is the consideration that more injury will be done to the essential interests of the parishes by the want of this salutary, and I may add, necessary, mode for enforcing labour, and maintenance of good order, than by the expenses of their erection.”

Sir, this appeal to the Assembly was not made in vain. Notwithstanding the pres-

sure of the times, and the heavy expenditure which this measure required, the Assembly complied with the Governor's recommendation, by passing an Act for the express purpose of providing, from the public funds of the island, in addition to the sum to be given by each parish, the sum of 42,000*l.* The 5th of William 4th, cap. 21, enacts, "That the receiver-general do pay to the common council of the city of Kingston, and to the justices and vestry of such other parishes as shall apply for such aid a sum of money not exceeding two thousand pounds for each parish, as a loan, bearing interest at the rate of six pounds per centum per annum. This sum amounted to 42,000*l.*, there being twenty-one parishes." In addition to this grant, each parish under the powers which the parochial vestries possessed, raised a considerable sum for the same purpose. Thus far we have not any complaint, but the commendation of the Assembly by the Marquess of Sligo.

Sir, on the 7th of November, 1835, the Governor sent a message to the Assembly on the subject of prisons, and a report was made by the House on the 9th, recommending a bill to be brought in. On the 18th, the usual adjournment of the House took place, and on the 26th January, 1836, the House re-assembled, and upon that occasion there was a message from the Governor, together with a despatch of Lord Glenelg, and an Act of the Imperial Parliament respecting prisons in England and Wales, laid before the House. Before any proceedings could be taken thereon, the Session was abruptly terminated by an interference by the Marquess of Sligo with the legitimate privileges of the House of Assembly. On the 24th of May, the House re-assembled, his Lordship having received instructions from the Government here to make reparation to the House for that interference. But in that Session, not a single communication was made by Lord Sligo to the House of Assembly on the *subject of prisons* or prison discipline; nor was any requisition made for any legislation on either of those subjects.

Sir it had come to the knowledge of some of the Members of the Assembly that the Marquess of Sligo had either transmitted to the Government, or otherwise circulated, some stories of mal-treatment alleged to have taken place in one or more of the gaols. Lord Sligo had not himself, by any communication, brought them under the cognizance of the Assembly, or afforded

that body any opportunity of investigating their truth. And here I would beg the House to understand and bear in recollection, when you hear statements read from those West-India papers which were laid upon the Table of the House, what those papers are. They consist of such despatches or *parts of despatches*, passing between the Secretary of State for the Colonies and the Governor, as it pleases the Colonial Office to select. Neither the Assembly, nor any of the people in the colony upon whom those despatches bear, and of whom the Governor may make the most cruel and unjust charges, have had any previous opportunity of hearing or giving an answer to those charges. The Governor may make whatever *ex-parte* statements he pleases; he may say as much in condemnation, and as little in approbation or vindication, of the Assembly, or of individuals, as suits his good or bad feeling towards them. It is extraordinary, and certainly not indicative of a desire to do justice and act with fairness, that in these papers you do not find the answers which were given by the Governor to the Assembly, in which he commends their proceedings, or the answers of the Assembly to messages of the Governor which evince an anxiety to comply with his wishes, or those Acts of the Assembly which have taken place in conformity with such answers. None of these do you find amongst the West-India papers which are laid upon the Table of this House.

Sir, I beg leave to state, that if there be one inference, or one conclusion which any hon. Member would draw from these papers to the prejudice of the Assembly, or the people of Jamaica, it is an inference and a conclusion drawn from *ex-parte* statements, of which the Assembly or people in Jamaica know nothing until months and months afterwards, when the book containing these papers is transmitted to them. Then, for the first time, they see in them libels of the most cruel nature, which have been circulating under the authority of the Government. An unjust, and cruel and unfounded impression is made upon the public mind; and what is said in refutation of these calumnies can have little or no effect in removing that impression.

Sir, the Assembly having heard of these stories which Lord Sligo had circulated, they addressed him on the 3rd of June a message, requesting him to communicate to them such cases of maltreatment as had come to his knowledge. They received an

answer to this message on the 9th of June. They inquired into the cases referred to in that answer. They made their report on the 14th of June, and gave the result of their examination. As a specimen of the inaccuracy and injustice of these stories, I will select two of the cases examined in that Report. With respect to one, the party who had committed the offence was tried at the Cornwall Assizes, and convicted by the verdict of a jury without the slightest hesitation. The other was alleged to be a case of a bill sent into the grand jury against a person charged with the maltreatment, and ignored. One of the grand jurors who was upon the Committee, by whom the report was made, stated, that no such bill was ever brought before the grand jury. Persons taking heated and intemperate views do not always weigh with sufficient precision the import of the statements they make. They may not intend to misrepresent, but they do in fact misrepresent. To this unhappy failing I must attribute much which is to be found in the Marquess of Sligo's despatches.

Sir, in 1836, the Marquess of Sligo ceased to be Governor. He was succeeded by Sir Lionel Smith, the present Governor. Sir Lionel Smith sent, on the 21st of February, 1837, a message to the House of Assembly. They gave an answer to it. And, Sir, I here repeat, that if there were a full and fair representation made in the selection of the West-India papers of all that passed in the Jamaica Assembly, I should not be under the necessity of referring to the votes of the House of Assembly, but that which I am about to read from those votes, I ought to have found in the book of West-India papers, on the Table of the House. The answer sent to Sir Lionel Smith on the 2nd of March, is in these words:—

"If the House were at all cognizant of the existence of abuses in the gaols and houses of correction, which require legislative interference, they would most readily go into a revision of the laws which regulate those establishments; but, without such facts before them, impressed as they are with the belief, that the Marquess of Sligo was much misled; that the representations put forward by him of workhouse punishments, were greatly exaggerated, and that the existing laws, if duly enforced, and fairly acted upon, are sufficient to prevent abuses, the House deem it unnecessary to deal with the subject at present, particularly as the Session is so near a close. The House beg to assure his Excellency, that if any abuses in the gaols or houses of correction, of

a character requiring legislative interposition, shall come to his Excellency's knowledge, the House, at their next meeting, will be ready, on having the facts laid before them, to apply the necessary remedy."

Now, Sir, to ascertain whether there was any want of due attention; whether there was any want of *bona fides* in the House of Assembly, I would refer the House to the impression which Sir Lionel Smith, who had then been Governor for twelve months, entertained of their conduct and motives; that impression is conveyed in the speech with which he prorogued the Assembly on the 4th of March, 1837. I beg the House to retain the recollection of this speech, that when it is contrasted with the subsequent expression of unfavourable sentiments, the House may try to discover, what can not be discovered, that any thing had occurred in the conduct of the Assembly to justify a total change of his opinion. The speech on proroguing the House, on the 4th of March, 1837, is this:—

"I have given my assent to such bills as have reached me, with the exception of that for regulating the practice of physic and surgery, which bill is not free from those objections which led to his Majesty's disallowance of a similar enactment; I acknowledge, with great pleasure, the ready attention you have bestowed on all my communications; and the adoption of the suggestion for classing the apprenticed population under legal enactment will, I trust, fully provide for the contemplated emergency. In bearing my testimony to the zeal with which you have applied yourselves to the public business, I cannot omit expressing the gratification I have experienced at the good understanding which has been apparent in all your proceedings during a Session of unusual duration. I attach the greatest importance to the continuance of this feeling, which it will be the constant endeavour of my administration to promote."

Sir, in October 1837, the Assembly again met, and on the 27th of that month, the Governor sent this message to the House:

"I have his Excellency the Governor's commands to lay before this honourable House the accompanying despatch, communicating the views of her Majesty's Government respecting the introduction into this island of an improved system of prison discipline. Returns connected with this subject have been called for from the different parishes *which when prepared and condensed will be duly submitted to the House.*"

In passing, I will take leave to say, that I do not know whether those returns have

ever been prepared and condensed, but this I know, that nowhere does it appear that any such returns were ever communicated to the House of Assembly. This message was accompanied by Lord Glenelg's despatch; and I put it to the House, whether any one, in reading this message, even without the despatch to which it refers, could arrive at any other conclusion than that all the communications which were made on the part of the Governor were communications having in view the *preparation and consideration* of plans rather than the *adoption of any specific plans*. That, I say, is the legitimate and fair conclusion to be drawn from this message of the Governor, if it stood alone; but the despatch of Lord Glenelg contains this paragraph, which renders it impossible to form any other conclusion:

"The present Act will expire in the year 1840, and at that period, if not before, it will devolve upon you to give your most serious consideration to the improvements which may be introduced into it."

Now, Sir, it seems to have been supposed by some that the Jamaica Act, which was to expire in 1840, was an Act, the duration of which was limited to the duration of the apprenticeship, and that it would expire in 1840, because the apprenticeship expired in 1840; and the inference attempted to be drawn from hence was, that as the apprenticeship was terminated in 1838 by the Legislature, there was no Prison Act for apprentices. But such is not the case. The Act certainly expires on the 31st of December 1840, not because the apprenticeship would expire in August 1840, but but because the 31st December 1840 was the period when this and several other Acts not perpetual would expire. The Jamaica Prison Act, to which Lord Glenelg refers, is the Act of 1834, and it applies to all persons without any distinction, whether they are apprentices or not. It cannot, for one moment, be pretended as a ground for the precipitate parliamentary interposition by passing the Prisons Act, that the Jamaica Act expired the moment Sir L. Smith put an end to the apprenticeship in 1838.

This message, and Lord Glenelg's despatch, and other regulations which, during the Session of October, 1837, had been communicated by the Governor to the House of Assembly, were referred to a committee appointed by the House. That committee consisted of several Members whose views were of the most liberal cha-

acter. Some had originally, in the year 1833, been of opinion that there ought to be no apprenticeship at all, and, in 1836, had called upon the House of Assembly, by a vote, to put an end to the apprenticeship at an early period. Mr. Jordan, a gentleman of colour, of high honour and respectability, and possessed of very considerable talents, was the chairman of this committee. No one can doubt the honesty and sincerity of purpose, and the zeal with which this committee would and did apply its attention to the subject.

I have now to state to the House, that in the latter end of November, Captain Pringle arrived in Jamaica. It would appear, from the date of his instructions, that he left England either by the first or middle packet in October, and he would arrive in Jamaica in the middle or end of November. I am anxious that the House should be aware of the time when this gentleman arrived, and when he left Jamaica, because this ex-commissioner, like a certain ex-governor of Jamaica, has put forth a pamphlet containing observations and opinions which could only be the result of considerable experience; and during the short interval between his arrival in November, and his departure on the 3rd of February, he could not, in a large island like Jamaica, have acquired that experience.

Now, Sir, one object of Captain Pringle's commission was to obtain accurate information of the state of the prisons, and to suggest the plans for their enlargement and improvement, and for the regulation of the prisoners in those prisons. The Assembly being apprised of this commission, could not suppose themselves required to legislate, nor could they effectually legislate on this subject, in the manner desired by her Majesty's Government, until Captain Pringle had made his examination and report upon Prisons; and until that report and his plans and suggestions had been communicated to them. In the succeeding month of February 1838, when the House re-assembled, although they very properly continued the committee appointed in the preceding session, and referred further communications to that committee, yet up to the month of March following, when the House was prorogued, no intimation was given to them by the Governor of any plans of prisons or suggestions formed by Captain Pringle. Not even a scrap of paper was laid before the House in the shape of an abstract or epitome of any thing Captain Pringle might have told the

Governor on the subject of his plans or views. The Assembly was prorogued in the month of March, 1838.

Although the usual period when the Assembly is convened is the end of October, (the meetings in February and March being the continuation of the October sessions), yet the Governor, for the purpose of passing an Act to abolish the apprenticeship, specially convened a session in June; and, as the representative of the Government, by declaring to the Assembly that it was *physically impossible* to maintain the apprenticeship, did in fact abolish the apprenticeship. Sir, when the Assembly had passed the Act abolishing the apprenticeship, they were immediately prorogued; and so far from the Governor requiring them to take cognizance of any measures consequent upon the apprenticeship abolition, he says he rejoices that he is enabled to grant them a recess, because he is satisfied that it is of the greatest importance that they should return to their own houses for the purpose of being present at the time when that great change should commence in the condition of the labouring population.

Here, then, Sir, we have the Governor in March, 1837, giving credit to the Assembly for the good understanding which had subsisted, and for the ready attention they had paid to all his suggestions. We have, in November 1837, Captain Pringle's arrival in the colony, telling persons it would be folly, and an extravagant waste of the public money to commence, or continue the erection which had been already commenced, of public gaols, until his plans had been communicated. In page 11 of his report: he says,—

"The houses of correction at St. Ann's, Vere, Savanna-la-Mer, and Montego Bay, are not fit for prisons; the two latter have, indeed, been condemned, and funds voted by the vestry for new buildings. The plans for intended prisons at these two places were shown to me, and as my opinion was desired I suggested postponing the expenditure of so much money until the plans approved for the construction of new prisons in England could be forwarded, or until some general system was adopted."

Sir, I will here refer to another part of Captain Pringle's report, which ought to defeat the attempt to impose upon the judgment of persons in this country, by representing that the rules for the regulation of gaols admitted of the perpetration of acts of cruelty. This is the language in which he speaks of these rules,—

"The rules and regulations laid down in the Gaol Act are sufficiently good, if proper officers were appointed who would faithfully and zealously carry them into effect."

I have already shown that under the Prison Act which was passed in 1834, the special magistrates, those very persons whom the Governor in Council in November last appointed inspectors, had all the powers which were required.

Sir, from this narrative it is quite clear that the Government cannot justify or excuse the introduction of the Prisons Bill into the House of Lords, on the pretext that the Assembly had refused to legislate on the subject of prisons and prison discipline. The Assembly had not refused to legislate on it. The Assembly had legislated, aye, and legislated so effectually and beneficially that the rules and regulations which they enacted were actually adopted by the Governor in Council, in execution of the authority vested in him by the Prisons Act, with variations so slight that, in fact, I may correctly say the regulations of the Act of the colonial legislature passed in 1834 are those at present in operation. There is one alteration, and certainly a singular one, because, without regard to the time of the year it makes the hours for closing the prisons seven o'clock, when it must be well known that, for the greater portion of the year, it is perfect darkness at that hour, though in the course of the summer there is twilight enough to say that it is not dark at seven o'clock. This, however, constitutes the only material variation. The very persons whom the Governor might have appointed under the Act of 1834, he has appointed under the powers with which he is invested by the Act of the Imperial Parliament of 1838.

As little pretext is there for alleging that there was a *disinclination* on the part of the Assembly to bestow their attention on further legislation on this subject. That pretext is destroyed by the whole tenor of their proceedings. You have the Governor's acknowledgement in 1837 of their attention to his suggestion. Equally unjust and unfounded is the pretext that there was any want of good faith or zeal in the proceedings of the Assembly. The chairman of the committee, Mr. Jordan, in his place in the House of Assembly, in October last, indignant, as well he might be, at such an imputation, stated, that he had in his possession the draft of an Act which would have given to the Governor the very power which the Governor would obtain

under the Act of the Imperial Parliament; and he affirmed the anxiety, as well as the perfect good faith, with which he had applied himself to give effect to the views of her Majesty's Government. He stated that it had been his intention to bring forward a measure to the committee of which he was chairman, and so put an end to all further discussion.

Sir, the Government could not pretend that they had given the Assembly reason to suppose that they required at the time of the introduction of the Prisons Act any legislative measure. Their whole conduct, Lord Glenelg's despatch of the 31st May, 1837, the messages of the Governor, Captain Pringle's mission, his representations in the colony, the Governor's prorogation, would all induce the Assembly to entertain a supposition directly the reverse.

The conduct of the Government in invoking the interposition of Parliament to pass the Prisons Act was a wanton act of aggression towards the colony—an unwarranted and unjustifiable interference with its constitutional right of internal legislation—the inevitable effect of which would be (and so they were told) to produce irritation and collision.

Now, Sir, I ask the House to look at the subsequent conduct of the Government, and see whether the least attempt was made to allay that irritation or prevent that collision.

Sir, with the full knowledge they had acquired from me of the effects which it would produce in Jamaica, you would suppose that a Government, desirous of counteracting those effects, of conciliating the Assembly, and, indeed, of procuring their co-operation in rendering the Act effective, by passing a law of their own legislature, without which it would be perfectly waste paper, would have applied themselves (and there is no want of skilful and eloquent writing in the Colonial Office), in framing some despatch to the Governor of Jamaica, which he might have made the subject of a communication to the Assembly, and which might have presented topics of explanation or excuse, with the view of satisfying the Assembly, that there was no intention to interfere with the right of internal legislation, and of reconciling them to the passing of an Act to give effect to the Act which had been passed by the Imperial Parliament. No excuse can be made by the Government for neglecting

to take this course. Their silence evinced a reckless disregard of the feelings of the House. It must have been so considered by the Assembly. The Assembly knew that the Government had been previously apprized of the impression and consequences which the Act would produce in Jamaica. No despatch is addressed to the Governor, but there is sent to him a circular despatch from Lord Glenelg, of the 13th of August, 1838, addressed to the Governors of all the colonies, and among others to the Governor of Barbadoes. The latter colony had already a prison law similar to the Prisons Act. It will appear that the Governor of Barbadoes had called the attention of Lord Glenelg to the discontent excited in the colony by the interposition of Parliament. To the Governor of Barbadoes there was sent a conciliatory despatch, which he could communicate to the Assembly of that colony, when he sent the circular despatch of the 13th of August, and the Prisons Act. But to the Governor of Jamaica, no despatch of a similar kind is addressed. Sir, it is scarcely possible to account for the conduct of the Government, but upon the supposition that they were desirous of goading the people of Jamaica to commit that very act which they now make the pretext for depriving them of their Assembly.

Sir, what follows? The circular despatch of the 13th of August arrives in the colony some time about the middle of September. Now this Act, the necessity for which it is pretended was so urgent as to justify an invasion of the constitutional rights of the colony, and to require to be passed with the utmost possible rapidity allowed by the rules of the Houses of Parliament, remains in the possession of the Governor until the 29th of November, 1838, without any step being taken under it. No special session of the Assembly is convened. It is called together at the latest period in October, the 30th of that month.

Sir, I should have apprehended that with a measure of such pretended urgency, the Government would have directed Sir Lionel Smith to have convened the Assembly as soon as possible, for the purpose of laying before them that Act, accompanied with such explanations and such evidence of friendly disposition on the part of the Government as might have reconciled them to it, and have satisfied them that there was no intention to interfere with

their right of internal legislation. But Sir Lionel Smith met the House, without making, in the speech with which he opened the session, the slightest allusion to the Prisons Act, although he must have been apprised by the Government, and he certainly knew from the protest and correspondence of the agent to which the Governor has access, that it would be the means of exciting great irritation and dissatisfaction.

Sir, it has been said, I understand, that it has not been usual for Governors to make any communications to the Assemblies in their speeches on opening the Session. Some Governors may certainly like short speeches, and may be unwilling that the speech should contain any debateable subject, and instead of introducing such subject into their speech, they send it down in a message to the House, the same day or the day after. The latter was the course adopted by the Duke of Manchester in 1816, when he called the attention of the Assembly to the Registry Bill. But so far from its being contrary to usage that the Governor should introduce such subjects into his speech on opening a Session, I can show that the usage is the other way. I hold in my hand a list of instances, going back to a very remote period, in which some of the most important subjects were communicated to the House, solely and exclusively, in the speech by which the Governors opened the Session. One of the most important occasions was in 1767, when the Governor had, by his misconduct, placed the Assembly in such a situation that they refused to grant the supplies. He dissolved them and drew upon the Treasury. He afterwards contended that the money which the Treasury had paid was to be repaid by the colony. They said, "No:—you must answer for your own wrongs—you violated our Constitution—you had no authority to pledge the credit of the island." The House prevailed, and the Treasury abandoned the claim. But the communication from the Crown on this dispute formed the subject of the Governor's speech on opening the Session. I have before me a long series of instances, from 1816 to 1824, of various important measures emanating from the Government, and to which the attention of the Assembly was to be called, forming the subject of the Governor's speeches. The Act establishing Bishops, formed a topic in the Governor's speech, and by that speech he called upon the colonial Legislature to

establish ecclesiastical jurisdiction in the colony.

Sir, another important instance of a communication by the Governor, in his speech to the Assembly, was that respecting the duties and revenues of the island, and which was made the subject of communication by Sir John Kane, in his speech on opening the Session of 1829. Again, Lord Belmore makes the subject of the Act which had passed, for providing for the salaries of Custom-house officers, a part of his speech on opening the Session of 1831. Without referring to numerous other examples, I will take that which is most apposite, and which is one of the greatest authority upon the present occasion—the speeches of Lord Normanby, as Governor of Jamaica. In 1832 his speech is almost entirely occupied with subjects entertained by the Government here, in which the Assembly would be called upon to afford their assistance; for instance, the Committees of Inquiry into the state of slavery, which had been appointed by both Houses of Parliament; the West India Relief Bill, granting a loan of a million of money for the different colonies; and in 1833, the most important measure which could be presented to the consideration of the Assembly, namely, the parliamentary proceedings for the abolition of slavery, formed the subject of his communication to them in his speech on opening the Session of that year.

But, Sir, it is impossible that Sir Lionel Smith or the Government can, upon any such ground as that which has been assigned for their conduct, protect themselves from the charge of utterly rejecting the most common and the most obvious mode of putting the Assembly of Jamaica in a situation to deal with this question. If the Governor did not like to introduce the subject into his speech on the 30th of October, he had on the 31st an opportunity of making a communication to them. The House assembled on the 2nd of November, he might then have sent a message to them. They met again on the 3rd, but on neither of those occasions did the Governor send them any communication alluding to the subject of the Prisons Act.

Of course the Governor took, and must have been considered by the Assembly to have taken, this step in consequence of instructions from the Government at home.

The striking contrast between the conduct of the Government and of Sir Evan Murray McGregor, (the Governor of Bar-

badoes) towards the Assembly of that colony, was known in Jamaica, and could not fail to produce a strong impression. Sir Evan M'Gregor received, as did Sir Lionel Smith, Lord Glenelg's circular despatch, with the Prisons Act, and Captain Pringle's Report. What did he do when he received them? Did he content himself with sticking up the Act on the door of the House of Assembly of Barbadoes. No, Sir. The course adopted by Sir Evan M'Gregor was this: when he sent down to the Assembly of Barbadoes Lord Glenelg's despatch and Captain Pringle's report, he also sent them a conciliatory message.

Sir, I hold in my hand a Jamaica newspaper of the 3rd December, 1838, which contains the communication made by Sir Evan M'Gregor to the House of Assembly of Barbadoes. It exhibits conduct of so different a spirit and character from the conduct of Sir Lionel Smith on the same occasion, that supposing Sir Evan M'Gregor and Sir Lionel Smith each to have acted under the directions of the Government at home, there has been, with regard to Barbadoes, on the one hand, a disposition to conciliate and a desire to remove any apprehensions as to the interference of Parliament with their rights of internal legislation, but with regard to Jamaica, on the other, no similar authority has been given to the Governor to proceed in the same spirit towards the Assembly of that island. Sir Lionel Smith must have acted under some restrictive instructions on this subject, for when he met the new House of Assembly, on the 18th of December, he had been previously aware, indeed ever since the third of that month, of the different course pursued by Sir E. M. M'Gregor towards the Assembly of Barbadoes. The newspaper I hold in my hand, of the 3rd December, contains extracts from a conciliatory despatch by Lord Glenelg to Sir E. M. M'Gregor, to be communicated, and which was, by that gallant Officer, communicated to the Barbadoes Assembly, by an equally conciliatory message from himself, as a suitable accompaniment to Lord Glenelg's circular despatch of the 13th of August, and the Prisons Act. The spirit of conciliation thus evinced on the part of the Government and the Governor had its effect. It allayed the irritation and dissatisfaction of the people of Barbadoes. With this example before him, Sir Lionel Smith might have learnt a lesson from a brother officer in the smaller colony of Bar-

badoes, which would have been most beneficial to the public service; and no less honourable to himself. I ask, Sir, would he not have followed this example if he had been at liberty by his instructions? The House of Assembly would naturally and justly have attributed his conduct to those instructions.

Well, Sir, the Assembly met on the 18th of December. No communication was made to them by the Governor, either in his Speech or in any message, with regard to the Prisons Act, and no step was taken on the part of the Government here, even when they must have been in possession of the fact, that Sir Lionel Smith had dissolved the Assembly, to supply him with the means of making any communication to the Assembly when they should meet again after the subsequent prorogation. But, Sir, although the Government was put in possession, as they were on the 10th of December, of the course which had been taken by the Assembly, of the view entertained by them of the Prisons Act, and of the Resolutions which they had adopted, yet is there not a single despatch to Sir Lionel Smith, instructing him how to act towards the Assembly at its next meeting.

Surely there was abundant opportunity to have placed in the hands of Sir Lionel Smith, a despatch from her Majesty's Government which he might have communicated to the Assembly at their meeting, and which might have afforded them, after they had been apprised of the sentiments of her Majesty's Government, an opportunity of receding from the views which they had previously taken, and of resuming their legislative functions.

Sir, the Governor first prorogued the Assembly from the 20th of December to the 5th of February, and subsequently to the 8th of March. To this hour, from any information furnished by the papers on the table of the House of Commons, he has received no instructions from the Government. The appeal made by the Assembly to their Sovereign remains unanswered.

Sir, I cannot think that this course can be reconciled with the duty which I take leave to say the relation of the parent state to the colony imposed on her Majesty's Ministers. It is not a course calculated to secure the welfare of the colony, and to unite all classes in those feelings of attachment to the parent state, which it must be the object of every one to promote. If I had been asked to point out the course by

which the Government could show a determination to trample upon the rights of the people of the colony—if I had been called upon to devise a scheme by which I could provoke the colony into acts which I might afterwards find it expedient to designate as acts of intemperance, and which I might make a pretext for saying, as the preamble of this Bill says, that the Assembly had suspended its legislative functions, and that I must, therefore, destroy the Assembly, I would have suggested the very course which has been pursued by her Majesty's Ministers.

Sir, when the House looks at the conduct of her Majesty's Government, and, I may say, their studied abstinence from taking any step to reconcile the Assembly to the Prisons Act, and at the situation to which the Assembly of Jamaica was necessarily reduced by that conduct, and at the Prisons Act, standing, as it does stand, without precedent, and an unexampled and unjustifiable interference with the right of the colony to internal legislation, I am persuaded that of all persons, those who compose this House are the last to visit upon the people of Jamaica the punishment of being deprived of their Assembly because that Assembly adopted a course which they considered essential for the maintenance of the very rights for which that Assembly was created.

Sir, I do not feel that I am stating the ground which has been taken by the Assembly too strongly, when I say, that if it were possible to suppose that the executive government had adopted towards this House any similar conduct immediately affecting some of its dearest rights and some of its most valued privileges, that this House itself would not have hesitated to adopt the very same course which has been taken by the Assembly. Will, then, this House, because that course has been taken by the Assembly, proceed to the extremity which is required by the Government, and pronounce the Assembly to have committed a crime of so high a nature as to warrant the passing of this Bill of pains and penalties.

I do not believe it possible that this Bill can be sanctioned by the House, because I cannot believe it possible the House can ever renounce those constitutional principles which it is the most anxious to maintain, and in the maintenance of which it has always evinced the most uncompromising firmness. It must renounce them, if it punishes the Assembly of Jamaica for

evincing the same anxiety and the same firmness in maintaining the same principles.

Sir, I beg again to remind the House that the Assembly did not, as they might, avail themselves of the Constitutional right of withholding the supplies until their appeal had been answered. They would not embarrass the Government, or obstruct the public service. On the contrary, the Assembly expressed themselves ready to proceed with voting the supplies, by which the public servants or the public creditors of the colony might be paid. How is it that those supplies have not been raised? Because the Governor of the colony prorogued and afterwards dissolved the Assembly, on account of their having passed the resolutions to which I have adverted. Nothing, it would seem to me, would more completely evince the determination of the Government to create something like a pretext upon which it might come to this House and ask for the present measure, than the fact that its own Governor himself, by this dissolution and continued prorogation of the Assembly, before they had raised the supplies, deprived himself of the means of carrying on the Government, instead of affording the Assembly an opportunity of proceeding to legislate for the purpose of raising those supplies.

Sir, I should suppose it was considered, that as it was a strong ground for the penal measure adopted towards Lower Canada, that its Assembly had stopped the supplies for five years, it would be as equally strong for this still more penal measure against Jamaica, that her Assembly had stopped the supplies for a few months, that is from the 31st December until her Majesty's answer to the Appeal of the Assembly had been given.

But, Sir, that pretext does not exist here. The Assembly has not furnished the Government with that pretext. The Government cannot say that they are without supplies through any default of the Assembly. They must say, that they are without supplies either through their own default, or through the default of their Governor. They are without supplies, because they wanted to have an additional pretext for calling upon this House to take away the Assembly of Jamaica.

Now, Sir, what, under these circumstances, is the effect of the resolutions which were adopted by the House of Assembly? The Assembly express their opinion upon the effect of the Prisons Act

passed by the Imperial Parliament. And what further do they say? What conditions do they impose as the preamble of the Bill intimates? Sir, they impose no conditions. They say, that they are ready to grant the supplies. They say, "We have sustained a wrong from her Majesty's Ministers; they have invaded our rights, and we, therefore, make our appeal to our Sovereign, and we suspend our functions until we receive an answer to that appeal." Has any answer been given? Has there been any intimation on the part of the Crown to the Assembly of Jamaica, that they had taken an erroneous view of the conduct and motives of her Majesty's Government? Any disclaimer of any intention to interfere with their rights? Any invitation to co-operate, or has any opportunity been afforded them to co-operate, in the legislation which was deemed expedient at this period?

Sir, I know it has been said, that there is inextricable confusion, from a want of legislation, in the colony; that there are a great many laws which require to be immediately passed. Sir, the noble Lord, the Secretary for the Home Department, who writes the despatch of the 15th of February, says, that upon looking over the seventeen Acts which are blazoned forth in the letter of the Governor as Acts which were of vital importance to the colony, the not passing of which was an incalculable injury, there is one only which is of immediate importance, and that is the Police Act. Now, with respect to the Police Act the Governor himself possesses in his character of Captain General the means of providing an adequate force, either civil or military, for the purpose of repressing any insubordination or of executing civil process.

Sir, I confess when I look at the conduct of the Governor, he seems to have imbibed, in an extraordinary degree, the spirit of the Government here, judging, as I must do, of that spirit from the conduct of the Government towards Jamaica.

I am now about to refer to a passage in his despatch of the 24th of December. I am not afraid before this House to quote the passage, because I am quite persuaded, that when it is read, proceeding as it does from the Governor of a colony, one who is especially bound to keep the Government and the public mind in a right state, if you see language used by him indicating intemperance, indiscre-

tion, a spirit of partizanship, indicating a desire to create a prejudice in this country against the people of the colony—I am not afraid, I say, that his language or his remarks can produce any unfair impression upon this House. Sir, he takes upon himself to state,—

"My late despatches will have prepared your Lordship for the event which the new House of Assembly brought about, a confirmation of the resolutions of the last House to do no business in consequence of the interference of Parliament in passing the Prisons Bill. Your Lordship will be fully satisfied from this last appeal to the electoral body, that no House of Assembly can now be found that will acknowledge the authority of the Queen, Lords, and Commons to enact laws for Jamaica, or that will be likely to pass just and prudent laws for that large portion of the negro population lately brought into freedom."

Now, I confidently ask, where is the evidence to justify Sir L. Smith in making this statement respecting the persons whom he thus grossly calumniates? Have they had an opportunity of seeing and repelling any thing upon which he can found the conclusion that they will never acknowledge the authority of the Queen, Lords, and Commons to enact laws for Jamaica? Why, Sir, the very resolutions, the whole proceedings which the Assembly have taken upon various occasions—those resolutions which I have read to-night, contain a clear and explicit recognition of the authority of the Imperial Parliament upon all those subjects of legislation which belong to the supremacy of the Imperial Parliament, but assert the right of internal legislation as being not only consistent with their constitution, but established by actual usage—a right not to be inferred merely from an abstinence from internal legislation by the Imperial Parliament, but from particular acts, in which the line has been distinctly drawn between legislating for subjects and persons in the United Kingdom and for subjects and persons exclusively in the colony. Sir Lionel Smith says, "They are not likely to pass just and prudent laws for that large portion of the negro population lately brought into freedom." Upon what authority can Sir Lionel Smith, or can any man, tell her Majesty's Government that he will predicate of the future disposition and feelings of the Jamaica Assembly, not from any thing that they have done (for they have

never been engaged in legislation since the apprenticeship has been abolished, since all those anomalies and difficulties incident to legislation in that state—*anomalies and difficulties* admitted by the noble Lord, the Secretary at War, in his printed speech on the 30th March, 1838, and admitted by him for the purpose of vindicating the Assembly. Upon what ground, I ask, does Sir Lionel Smith dare to make this prediction of the future conduct of the House of Assembly, conveying the gross charge that they have not the disposition to make fair, just, and prudent laws for the protection of that population? It was not twelve months before that, in his speech, he commended them for their conduct and disposition. The House of Assembly was at that time composed of nearly the same persons. What can have occasioned this alteration in the Governor's estimate of their disposition? Was it the abandonment by them at once of the apprenticeship, releasing this country from the fulfilment of its pledge to continue it for two years longer, abandoning that which formed part of their compensation, and abandoning it in order that they might purchase, if it were possible, a better disposition of the Government, and put an end to all future distrust and collision.

But, Sir, where am I? Am I in a British House of Commons, sitting in the exercise of judicial functions on this occasion, for I am defending the people of Jamaica against a Bill of pains and penalties; and are they to be tried and punished, not for crimes, or for acts which are treated as crimes already committed, but upon the presumption, prediction, or speculation which a Governor chooses to entertain of the future dispositions of all the persons in Jamaica who may possess the qualification to become, and may become members of the House of Assembly. But, Sir, do the Government believe this representation? They do not; they cannot believe it. I must say so, for otherwise I should have to impute to the Government the disingenuousness, the unfairness, the injustice, of supporting this Bill upon a ground different from that which they allege in the preamble of the Bill. There they tell us, that the ground, the cause for this Bill, is the adoption, by the House of Assembly, of resolutions suspending their legislative functions. Upon this ground, and for this cause only, they

call upon Parliament to supply those functions by a temporary provision. They cannot put their justification of this Bill upon any such ground as that which is stated by the Governor of Jamaica. I shall not deal with it. I am here to defend the Assembly of Jamaica against this Bill of pains and penalties, which it is pretended they have merited by a certain act they have committed; I look, therefore, to the preamble to see what that act is, for it is in respect of that act, and that act only, that I am here to defend them, and I address myself to that act, and to that act alone.

Sir, I confess it is with great pain and reluctance that I speak in terms which may be considered in any degree disrespectful towards one intrusted with the high authority possessed by Sir Lionel Smith. But when I find him pronouncing such an opinion as that conveyed in the passage which I have just now read; when I see what the passage imports, the want of temper with which it is written, and the obvious desire to lead the Government and the people of this country to form an erroneous, unjust, and prejudiced estimate of the members of the House of Assembly, I must weigh it with all the deduction to be made from its soundness and correctness, in consequence of the loss of temper and this hostility to the House of Assembly which his whole correspondence exhibits. I must look at something else to assist me in examining the weight which belongs to it. I look at the despatch of the 3d of December, 1838, in which he tells her Majesty's Government, by way of prejudicing the people of this country against those who are interested in the colony, that they are turning the negroes out of their cottages by ejectments; and then I find, that this same despatch conveys returns from clerks of the peace throughout the island of the number of ejectments which have been issued; and I find that, with the exception of some eight or ten instances in the very extensive parish of Westmoreland, the returns from the twenty other parishes are "nil;" and in the return from Westmoreland, the eight or ten instances of ejectments took place upon grounds which are distinctly stated in the return.

Sir, I look to another despatch, that which conveys Sir Lionel Smith's speech to a Baptist congregation on the 5th of January. He there says, "I have sent

to England numerous testimonies that where labour has been encouraged by fair remuneration and kind treatment, it has nowhere been wanting." Five days afterwards, in his despatch, he says, "both parties are unreasonable." Sir, a cloud of prejudice obscures the mind of Sir Lionel Smith. His judgment is in bondage to his passions. If I were a kedd for any further proof of his spirit of partizanship, I would refer to that which is afforded by the nature of the information communicated to this House by the Government, and furnished by Sir Lionel Smith. The West-India papers laid on the table of the House containing that information convey no statement from any person of an opinion favourable to the colony, or favourable to the individuals in it. Contradicted, as have been the statements made by the stipendiary magistrates, and which furnish the bulk of the reports transmitted by Sir Lionel Smith, his communications convey those statements only. He adopts them. No person can read them and the observations which accompany them, without at once perceiving that they proceed from persons under the strong influence of partizanship and prejudice. Sir Lionel Smith ought to have perceived it. Statements of an opposite character he does not transmit to the Government. He has not dealt fairly with the Government nor with the public, and still less with the people of Jamaica, by giving this imperfect and partial information, and that, too, of a description calculated to create feelings of hostility and prejudice against those who are resident in the colony.

Sir, there is another statement made by Sir Lionel Smith which is certainly of a singular character, and which is also calculated to leave the House under a very erroneous impression. He talks of the white population entitled to the exercise of the elective franchise, first, as low as 1,500, then 1,700, and at last makes them amount to 2,000. Sir, the white population of the city of Kingston alone, exceeds 5,000. Does any man mean to say, that his representation of the white population of Jamaica is correct? The white population is stated to be 30,000. There is the same inaccuracy with respect to the coloured population; of whom there are not less than 110,000. Sir, I ask, is it fair dealing to lay before the House this description of the state of the relative

condition of the different classes of society?

Sir, again, he says, there are 300,000 who will not be represented for fifteen months. That implies, that they will be capable of returning representatives in fifteen months. Sir, I was rather puzzled to know what was meant by the fifteen months which must elapse, and considering that Sir Lionel Smith has an executive council to whom he may continually resort, and an attorney-general and a chief justice, it is somewhat singular, that he should not have conveyed to the Government a correct notion even on this subject. It would be supposed, that fifteen months must elapse between the time of a man acquiring the freehold which gives him a qualification, and his having a right to exercise it. It is true, that his title, his qualification, must be recorded for twelve months in the secretary's office, and that it must be recorded also three months in the parish books of the parish for which he claims to vote; but he may put his qualification upon the books of the parish two days after he has put it in the secretary's office; so that while the twelve months are running to make out the period required for the registration in the secretary's office, the three months are running during which his qualification must be registered in the parish office; so that, in fact, it would be twelve months, and not fifteen.

Sir, I have a right to call the attention of the House to this erroneous representation, because it is a representation intended to operate adversely to the interests of the Assembly. But he says fifteen months must elapse before those persons are capable of being represented; that would imply, that they had all a qualification. Sir, I hope, that the negro population may speedily acquire a qualification to vote, and exercise that qualification. I fear nothing from its exercise. I am not one of those to urge, and God forbid that I should ever stand at this bar to urge, that they should not have the full enjoyment of political rights, now that they possess the rights of freedom. I never would contend, I do not believe the House of Assembly would ever require me to contend, but I know, that I never would contend, that such a measure as would suspend for a time the exercise by the negro population of their political franchises ought to receive the sanction

of this House. "Oh," it has been said by some of your liberal principle professing politicians, "such a measure is required to preserve the ascendancy, and to prevent the entire swamping of the white population." Those who are the best able to judge, namely, the people in the colony, have no such fears on this account. Those whom I represent, are not only not unwilling, but are desirous that the emancipated population should enjoy and exercise the elective franchise. They know, that in the natural course of events, and according to the ordinary principles of human nature, their exercise of that franchise cannot place in jeopardy the other classes of society. I confess, having, from my long residence in Jamaica, no inconsiderable experience of the emancipated population, and having unbounded confidence in their disposition, and their feelings of attachment and respect towards the other classes of society, that I am persuaded they will return to the Assembly those who are best qualified from their character, property, and station. Sir L. Smith has represented, that the 300,000 emancipated negroes will in fifteen months become entitled to the qualification to vote. Sir, that will be true, provided they have acquired the property which gives the qualification; but it would have been quite as well if Sir Lionel Smith had told the Government how many of those 300,000 were possessed of the electoral qualification.

Sir, if the House were to read the statement of Sir Lionel Smith it would be inclined to believe, that the qualification was what it is said to be by the ex-commissioner, Captain Pringle, in his pamphlet, namely a 40s. freehold. The ex-commissioner writes on subjects in this pamphlet, of which he is grossly ignorant. The qualification is a freehold of 10*l.* currency, or a leasehold property of the annual rent of 50*l.* currency; a qualification, in the estimation of Lord Glenelg, sufficiently low.

His Lordship, in a despatch which is to be found in page 20 of the printed papers, conveys this opinion; and, at the same time, discusses this subject with no apprehension that any evil will result from the extension of the elective franchise. The despatch to which I am now advertising, is an exceedingly important one. It contains this passage:—

"Her Majesty's Government having main-

tained in the most decisive terms, and, without exception, the principle that neither distinctions of national origin nor those of religious opinion" (he has, in the preceding part of the despatch, stated, that there are no laws creating those distinctions in Jamaica), "should be admitted in the West Indies, as disqualifications for office, and having opposed themselves to the adoption of proprietary qualifications, designed or calculated to accomplish that disqualification by indirect means, have never denied, that the possession of some definite amount of property ought to accompany the exercise of all the more considerable franchises, whether political or judicial of those colonies. They regard property there as the proper criterion of fitness for such trusts, first, because the holders of it have a more direct and palpable interest than other men in maintaining the public tranquillity, and in avoiding crude and dangerous experiments on established institutions, and secondly, because property, as it affords the means of leisure and education, raises a fair presumption of superior knowledge, intelligence, and fitness for the conduct of civil business. I am disposed to admit, that the proprietary qualification ought not only to be maintained, but to be attended with new and effectual securities for ascertaining, that it is not fraudulently claimed. But I am still more disposed to acknowledge, that in the very peculiar state of society in the West Indies, it would be reasonable to demand, as a test of the right of exercising these franchises, that they should be enjoyed by none who cannot read and write. This is a test which might be readily applied in any case in which there might be reason to suppose, that a party claiming to vote or to be elected was so illiterate as to be destitute of the first rudiments of learning, and the efforts made for the diffusion of knowledge would render any complaint of such a criterion ill-founded and unreasonable."

Here, Sir, is the Secretary for the Colonies laying down certain principles with respect to the qualification of the negro population, and of all classes in the colony, which are sound and unexceptionable, and which of themselves would furnish the great security upon which the colonists might rely against any possible evil resulting from the experience of the elective franchise.

I never can, I never will, acquiesce in the justice of an expedient which professes to pass the Bill upon the pretext stated in the preamble—namely, the proceedings of the House of Assembly in 1838, and yet solicits the support of the Members of this House upon a pretext, which is not put forward in the preamble of the Bill, and which is not even pub-

licly avowed,—a pretext which, if it were really put forward, would be most unjust to the emancipated population. I reprobate the resort to that pretext, just as much as I should reprobate the resort by the Government to the pretext, that the white population ought not to be trusted with legislation, a pretext too unfounded, too unjust, to be stated in the preamble as the ground of this Bill. It would be a gross calumny, which no Minister ought to sanction.

Sir, it is impossible for me to avoid adverting to one inevitable consequence which must result from uniting in one body all the legislative and executive functions of the Government. Sir, it is quite evident that part of this scheme is to carry on the legislation of the colonies, not in the colonies themselves, but in detailed enactments from Downing-street. Sir, if I were asked what has placed most of our colonies in collision, and in a state of dissatisfaction with the Government here, I should say it was the system pursued by the Government for some years in the legislation for the colonies. It has had the effect of completely destroying the vigour and embarrassing the exercise of the executive authority in the colony. It exhibits the Governor as an instrument, a mere machine put in motion, and acting by means of instructions from Downing-street. Sir, this was not the mode in which the administration of the colonies was conducted in more prosperous times, and when, too, it was conducted without producing collision or angry feelings between their legislatures and executive government.

Sir, this is not only my own opinion. It is the opinion of every man acquainted or connected with the government of the colonies. It is the opinion of a noble Earl who stood so high in the confidence of her Majesty's Government that they intrusted him with powers more ample than were ever given to any subject when they sent him as Governor-general of our North American possessions. He has said in his report, and said truly, that the origin of all our difficulties in the colonies is, that instead of selecting a Governor in whom you can repose implicit confidence, and giving him instructions so full and comprehensive as to enable him entirely to understand your views and act on his own responsibility, you put him in a situation in which he exhibits his weakness and the

little confidence reposed in him. He can scarcely give an answer to a message without sending home to Downing-street to know what that answer shall be. I say that the effect is, and necessarily must be, to weaken the executive government in the colony, and to bring it in collision with the assemblies. They will not respect a Governor when they see that the Government here does not sufficiently respect him to make him the depository of their confidence. It weakens the attachment of the Assembly to the Government here, because that Government is continually present to them as criticising and condemning with technical captiousness their enactments.

Sir, what is the course which the Government ought to pursue? You have a Governor in the colony as the representative of her Majesty, who has the veto upon all laws which are passed by the Assembly; you have an executive council appointed by the Governor, who are, or ought to be, acquainted with the instructions which he possesses, and who, sitting as a legislative council, can carry completely into effect the views of the Government. Two of the members of that council are the Chief Justice and Attorney-General. Why, I ask, does not the Government furnish the Governor, and through the Governor the executive council with their views, so as to obtain their assistance in carrying them, as a branch of the legislature, into effect, making by amendments the enactments of the Assembly conformable to those views, instead of allowing the council to pass laws in the state in which they are sent from the Assembly, and the Governor to give his assent to them, and then, after months and months have elapsed, sending a long despatch with criticisms upon their enactments, and casting the whole blame on the Assembly; although the Assembly is but one part of the Legislature, and the Governor and council have concurred in those enactments.

Sir, I will select one instance amongst many to show the evil of this system. An Act for the classification of apprentices was passed by the Assembly in compliance with the wishes of her Majesty's Government. In a despatch from Lord Glenelg, dated the 1st of May, 1837, he says, "I have the pleasure to acknowledge the receipt of your despatch, No. 76, of the 13th of March, transmitting

the Act for the classification of the apprenticed labourers. It is very gratifying to me to learn by this despatch the successful result of my recommendation, and of your efforts to introduce a classification which will effectually obviate the confusion and discontents which might otherwise have prevailed at the expiration of fifteen months from the present time. In this result I gladly acknowledge one of the beneficial consequences which had followed from the friendly understanding which has prevailed between yourself and the House of Assembly." Now, Sir, here is, on the 1st of May, 1837, the most unqualified approbation expressed of this Act for the classification of negroes; and in a despatch of the 7th of September, 1837, Lord Glenelg says, that he has advised her Majesty to disallow that act.

Sir, I might refer to another proof of the difficulty which must always attend the system of legislation in Downing-street. In the despatch, to which I have referred, of the 15th of September, 1838: it appears that Lord Glenelg had on the 6th of November, 1837, sent a circular to the Governors of the different West India colonies for the purpose of obtaining their answers to a great number of questions. I confess that it does seem to me surprising that those who had been administering the government of the colonies here for so many years should upon those common, familiar subjects have been so ignorant as to render such questions necessary. But the most surprising fact is, that after they get the answers to those questions, they are told that a poll-tax existed in Jamaica, though it had been in existence for seventy or eighty years, and perfectly known and perfectly familiar to every one having the slightest acquaintance with the colony. The Colonial-office does not at this hour understand what the poll-tax was; for it is evident, from the comments which are made, that they suppose it to be a tax imposed upon every individual, rich or poor; whereas the poll-tax was imposed upon persons according to the number of polls, not their own, but those of their negroes.

In fact, it is scarcely possible to conceive a tax in itself more fair and equitable, for it was levied upon every person, according to his ability to pay; and a man who had not above a certain number of negroes paid nothing at all; others

paid according to the value of their property, that is, according to the number of their negroes.

Now, Sir, to show that the nature of this tax is not understood, there is in Lord Glenelg's despatch of the 15th September, 1838, which I have before quoted, a very learned reasoning, pretty much like the reasoning of Adam Smith, by way of objection to this tax, founded upon the erroneous supposition that the poll-tax of Jamaica imposed the same amount on all persons: it is this—"The principles of taxation usually adopted in this country are unequivocally opposed to an impost so unequal as a poll-tax of precisely the same amount on the rich and on the poor. I do not now enter upon the large and arduous inquiry, how far those principles might demand some modification when applied to societies like those of the British West Indies." There never was a poll-tax in Jamaica of the nature to which this observation could be applicable.

Sir, again it is supposed that there is a qualification required for holding certain offices. There is no qualification whatever required. The special magistrates, who have not an acre of land, are in the commission of the peace as local magistrates, by the direction of the Colonial Office. There is not even a freehold qualification required for having a seat in the Council. Members of Council need not have one sixpence of property upon the island; they may, in fact, have no more interest in the colony than the three salaried or stipendiary Councillors or Commissioners, who it is proposed by the present measure should be sent from this country, and constitute a part of the new Government. But I beg pardon; if this Bill is passed they will soon have a very considerable interest; because, as the powers are vested in the Council, of which those stipendiary Councillors are to form part, and as the whole power of raising taxes will be placed in this body, those councillors will certainly have a very serious interest in the colony, because they will have power to raise taxes to pay the public creditors, and to pay themselves, as public creditors, that amount of salary, which in their moderation and wisdom they shall think fit to fix, or shall assist in fixing, as a suitable equivalent for those great resources and those splendid acquirements which are to be carried from this country for the benefit of Jamaica,

Now, Sir, the House must be aware that there is not any mention in the proposed Bill of any provision for paying those salaried Councillors or Commissioners. Had such a clause been introduced into the Bill there might have been this embarrassment. Those who watch narrowly what is taken from the public purse of this country might have imagined, that the public purse of this country was to pay for those salaried Councillors, and have objected to this Bill on that account; but when it is told them, "Do not make yourselves uneasy; we are not to pay these worthy gentlemen, but the people of Jamaica are to provide and pay their salaries by means of the taxes which these worthy gentlemen will assist in imposing," the objection may be withdrawn. The public purse of this country was safe, and the public purse of Jamaica was not the object of their watchfulness. But how will you get these three Councillors? Why, her Majesty, by virtue of her prerogative, can appoint such Councillors as her Majesty's advisers please, and those Councillors thus appointed will have the power, as they no doubt will have the pleasure, to raise those taxes which will be necessary to award an adequate remuneration to themselves for the services they have already rendered, or may hereafter render, to the Ministry from whom they received their appointment.

Sir, I feel that I have very largely drawn upon the patience of this House, and I have received a large share of it, for which I am indeed most grateful. But I cannot content myself with appealing to the justice only of the House, though I know that it is, as it ought to be, the strongest ground for the maintenance of the rights which are to be invaded by the proposed Bill. There are also considerations of sound wisdom and of sound policy which should enforce the dictates of justice. Sir, I cannot look at this measure simply as to its injustice, and as to the rights which it violates; but I must look at the effect this measure will produce on all classes of society in Jamaica, and on the future welfare and happiness of that colony. Sir, the measure itself, its character, the great change it must produce, the previous habits and feelings it must disturb and derange, the persons by whom it is brought forward, the classes of the society whom it will affect, the extraordinary, unprecedented crisis when it is

made, are circumstances which seem to point out (if an accumulation of circumstances can point out to a deliberate body) the tremendous responsibility to be incurred if this measure be adopted.

Sir, already one great change has taken place in the state of society in the colony. You have put an end to slavery. You have put an end to the apprenticeship. You have abolished all distinctions arising from the difference of colour. You are desirous of carrying on the future cultivation of the colony with advantage to the landholder, and for the benefit and happiness of the labouring population. You would promote a spirit of justice and fair dealing on the part of all classes towards each other. You are desirous, by means of the picture which may be presented of the successful issue of the great measure of emancipation, by the continued and increasing prosperity of the colony, to encourage every country in which slavery still exists, to break the bonds of the captive, and let him go free.

You are, and must be, desirous of promoting in the negro population a spirit of conciliation towards the persons with whom they have been accustomed to live in the relation of slaves, and with whom they are now to live upon terms of perfect equality in the relation of labourers, working for the wages which are given to them. It is for your interest, as it is for the interest of the negro population themselves, to conciliate them towards the other classes of society,—you want to inspire, not to destroy, confidence on the part of the negro towards those classes; and yet, just as you are entering upon this new state of things, you would make this change in the Constitution, which tells them in plain language that the Crown, the Government, the Parliament, and the people of England, think it right to degrade the other classes, to place them in a different position from that which they previously occupied, upon the supposition (for there are mischievous people enough to insinuate, aye, and avow it) that they cannot be trusted, that they have not the fairness or the justice to qualify them for legislating for the emancipated population.

Now, Sir, if the classes in that community are to be operated upon by the ordinary principles which sway mankind, is it possible to conceive that they can look at this great change which you are

proposing to effect in the Constitution of Jamaica, otherwise than as connected with, or as the consequence of, their emancipation from slavery, or otherwise than as lowering the station of the other classes? You cannot degrade those classes without counteracting that spirit of conciliation in the emancipated population towards them which you are desirous of promoting, without destroying every chance of establishing the relations of employer and voluntary labourer for wages, on that foundation of kindness and confidence which is required to maintain them. You will destroy all possible chance of retaining persons in the colony for the purpose of embarking their capital, without which capital it will not be possible to continue the cultivation of the colony.

Sir, it is not only an act of unparalleled injustice to make this change at all, but to make it at such a crisis as the present, is a fearful thing. That any Government should, by this measure, venture to incur the tremendous responsibility of having it imputed to them, that they had themselves defeated the great measure of emancipation, and all the blessed results which may follow from it, is almost beyond my belief; and yet they will, and must incur that imputation, if they persevere in a measure which cannot fail to excite suspicion, distrust, and ill-will, on the part of the emancipated population, towards all the other classes of the community, and withdraw from them the motives which might encourage them to engage in honest, voluntary industry, and especially the prospect of assisting in the government when they have become possessed of that property which qualifies them to be electors and representatives.

If the measure which this Bill proposes to effect be adopted, you will have sealed the fate of Jamaica. I say so advisedly. I say so, as the result of my own experience, as well as of all the information which I have received from others, and as the result, too, of that estimate which I can form of the character of the emancipated population, from all I have personally known of them; and from all which I have since heard of them.

Sir, I trust that this House will deliberate and decide on this measure, under the influence and guidance of those principles with which it is accustomed to regard the invasion of its own rights. I am persuaded

that, when this House reviews the whole of the proceedings of the Government towards the Assembly of Jamaica, the situation in which they were placed by them, and the rights which they were bound to vindicate, this House will take a fair, calm, just, and dispassionate view of the conduct of the Assembly. I ask you, not to presume them guilty of a crime which is not even alleged against them. I ask you, not to presume the existence of a pretext because it is stated, in the Preamble of the Bill, when it is disproved by the whole course and conduct of the Assembly. If there were error—if there were intemperance—if there were indiscretion in the course of proceeding which the Assembly adopted, for what cause, I ask, and in defence of what rights, was that course taken? You are not disposed nor accustomed to weigh strictly, to scan scrupulously, every expression used by a public body in vindication of rights to which they consider themselves entitled as free-born British subjects, in order that you may detect something to condemn. You would rather look to the rights themselves, which were considered as invaded by the proceedings adopted against them, and, with feelings of consideration for those rights, judge of the mode by which they struggled to maintain them. The Assembly of Jamaica made their appeal to her Majesty against conduct on the part of her Majesty's Government, which they considered as an invasion of their constitutional rights and privileges; they waited till they received an answer to that appeal, before they engaged in any other functions, except those in which, like good subjects, they had always been ready to engage, namely, the taking care that her Majesty's Government, and the servants of her Majesty's Government, should not sustain any prejudice from their proceedings.

Sir, I have, I believe, now addressed to the House considerations which, I humbly think, ought to satisfy the House that this Bill is not warranted by the pretext which its preamble assigns, that there was no justifiable ground for the interposition of Parliament, in passing the Prisons Act, either in the character of the Act, the state of the law in the colony, or the conduct of the Assembly; that the pretext, even if it had existed, would not have justified so heavy a punishment as this Bill inflicts. Sir, if the House consults, as I am sure it will consult, its own sense of justice, and

its own attachment for its constitutional privileges, it will refuse its sanction to this Bill. Sir, if the House consults its wisdom, and its regard for the real interest of this colony, and of all the classes of which its society is composed, as I am quite sure the House is desirous of doing, I am equally persuaded it will refuse its sanction to this Bill. Sir, I retire from this Bar with the confident hope that the House will refuse its sanction to this Bill,

and with the equally confident belief that the House will hereafter look back on that decision, with the satisfaction of knowing, that it has not only maintained inviolate the great principles of justice with which you would act towards fellow-subjects who are not represented here; but has also most effectually promoted the good order, the peace, and the prosperity of this great colony, and the welfare and happiness of all classes of its inhabitants.

SERGEANT MEREWETHER, AT THE BAR OF THE HOUSE OF
COMMONS, APRIL 23, 1839.

MR. SPEAKER,

Sir, I have the honour of appearing at this bar for the 500 petitioners who have subscribed their names to the petition which now lies upon the table; and it is by the indulgence of this House that I now appear on their behalf, to deprecate the passing of that Bill which has formally advanced to its second reading.

Sir, the individuals whom I represent are intimately connected with the Island of Jamaica; many of them were born there; some have spent the most valuable portions of their lives in that island; some have been members of the Assembly, and most have large properties at stake in that country. They, therefore, Sir, feel anxiously alive to this subject, and, as they state in their petition, "it is with extreme alarm, they have heard of the Bill, which has been introduced into this House."

But, Sir, it is a fortunate circumstance that, being in this country, they are free, to a certain degree, from those strong feelings and those animosities which have been, unfortunately, stimulated in that colony; and being, as they are, at a distance from it, they are enabled, they hope, to entertain a more moderate and temperate view of the subject than perhaps they might have taken if they had been involved in the discussions which have occurred in Jamaica; and I shall but very ill represent them at your bar to-night if I do not preserve, in the address which I have the honour to make to this House, that moderation which they feel, and which they would wish to be maintained at your bar. I, therefore, appear here, disposed strongly on their part to deprecate the passing of

this Bill, but I hope to say and do nothing which can in any degree tend to increase the difficulties, already too great, which surround this unfortunate affair; and I mean, undoubtedly, to propose to myself such a line of argument as shall keep me strictly and closely to the point which I take it to be my duty to advocate here, and that is, whether Parliament in its wisdom and in its justice should pass such a Bill as the one which is now before the House.

Sir, putting upon myself the restraint which I have proposed, I do not dare to trust myself with a description of this measure; I would rather look to the enactments appearing upon the face of the Bill, to give it its true character, than endeavour myself to describe it by any frame of words; and I shall, therefore, without preface, proceed at once to consider the clauses and the import of this Bill, premising only, that my clients do feel extreme anxiety with respect to the fate of that constitution which their ancestors handed down to them; with respect to the effect which will be produced by this bill upon the institutions they have learned to revere; and, the manner in which it will operate upon laws under which they have so long prospered.

Sir, I perceive that this Bill, in its first clause, proposes to make it for the future, or for a certain limited time, unnecessary that the Assembly of Jamaica, *the representatives of the people* in that island, shall be summoned together by the Governor. The provision is, that "it shall not be necessary to summon the House of General Assembly of Jamaica, for the despatch of business, or to hold any meeting of the General Assembly." Such, Sir, is the

provision, which, in point of fact, *will destroy the popular part* of the government of Jamaica. It is impossible that in this place—the House of Commons of England—the assembly of the representatives of the people—there can be the slightest doubt of the extreme importance, the deep-felt interest, the awful responsibility, of such a proceeding. Suppose for one moment, Sir, that in this kingdom it was proposed that you, the representatives of the people, should not be summoned together for the space of five years! These, Sir, are fearful considerations; and I feel satisfied that upon this part of the subject I have the honour of addressing a body in which there can hardly be an individual who will not deprecate the necessity for such a measure; and who, if he is obliged to assent to it, will not deplore the necessity for that assent. Consider, Sir, that all that part of the constitution of Jamaica which gives the freeholders of that island a representation in the government of the country, and an authority in the enactment of the laws under which they are to live, is at once to be suspended. I am confident, Sir, that it is not necessary for me to add a word to what I have already said upon this clause, which, I hope, has been distinctly brought before the consideration of the House, and which is the commencing enormity of this violent measure.

Sir, if this House were prevented from meeting to defend the rights of the people—if the Assembly of Jamaica is prevented from assembling together—I ask how will the executive authority of that country be safely or peaceably carried on? Do not you here, as the representatives of England, stand as the great barrier between the authority of the Crown on the one hand, and the intemperance of the people on the other? Are you not the great regulating power of the Constitution, which keeps in due order the machine of the State? That which you are in this country, the Assembly is in Jamaica. You will put the whole state of civil society in Jamaica in peril, if you suspend the functions of the Assembly. Sir, the consequence of the powers of this House being interfered with—the consequence of the Assembly of Jamaica being interfered with—will be, that all the laws of the country will lose their vigour—the institutions of the country will be paralyzed—the constitution will be at an end. That would be the ordinary progress of events, and it is the progress of this Bill;

for the second clause, Sir, at once annihilates the whole constitution of Jamaica! All that was granted originally by the Crown—all that has been confirmed by the sanction of the Parliament, both of this country and of the Assembly in Jamaica;—all is at one stroke to be levelled the moment this Bill receives the Royal assent! At that instant the constitution of Jamaica is at an end!

The second clause of this Bill provides that the Governor, and the council who are to act with him, are to make ordinances for the government of the island; they have the power of creating and of destroying what laws they think fit; and the statute rolls of Jamaica may be erased the instant this power is conceded to the Governor and his council:—that Governor and the council being appointed by the mere authority of the Crown, and existing solely as the representatives or advisers of the Crown; and as I have a right here to state (for it is a necessary power which will be given to the Crown) the Government will have the power of appointing that council as they may think fit, and persons in no degree connected with the island, either by property, official station, responsibility or obligation of any kind, may be appointed members of it:—persons from this country, simply appointed by the Minister of the day, may go out and concur in destroying the existing laws and making and enacting new ones, for that country, with which they have no sympathy, no direct interest, no common feeling.

Consider for a moment, Sir, what would be the effect of such a provision with respect to this country, or any other; contemplate for a moment any enactment which would destroy our most invaluable privileges—what if Magna Charta were to be repealed—if the Bill of Rights were to be cancelled—if the Habeas Corpus Act were to be suspended—these to us are familiar ideas; these are our admired, our sacred, our venerated institutions; but it is not to be believed that the people of Jamaica have not laws, privileges, and institutions which they cherish as dearly as we cherish ours; and no doubt the effect of this clause will be, to put within the power of the Governor and the council, selected in the manner I have mentioned, the whole of their institutions, however they may be venerated or esteemed by them. I have merely alluded to the effect which would be produced in this country

by such a proceeding:—and I quit that part of the subject immediately, because I know that when I have drawn the attention of the House to it, the intended effect of my argument is produced:—and I am at least confident, that the result of this clause, as respects Jamaica, will be tested by the consideration of what the effect would be if a similar measure were attempted in this country.

Now, Sir, proposing not to weary the House with a tedious and unnecessary detail, I shall not go through the other clauses of this Bill; they are, more or less, consequences of those two fundamental clauses, and I shall, therefore, satisfy myself with having drawn the attention of the House to this circumstance, that *the popular part of the Constitution of Jamaica is to be suspended*—the laws which are to exist there are to be at the disposal of the Governor and the council,—and in that way is the Constitution of Jamaica to be annihilated by this Bill.

Sir, I have already said, and I feel it most strongly, that I cannot at this moment be addressing any individuals who will view this matter otherwise than with the pure and simple consideration of what justice demands at his hands. It is true that this House, ordinarily speaking, does not exercise judicial functions; but if there ever was a case in which those who had to determine should approach it with all those sacred feelings which belong to the due administration of justice, this is one of that description: and the House is called upon to determine, in the most solemn and considerate manner, whether they will take a step so desperate as the one now proposed to them. I call it, emphatically, a desperate step; Sir, for undoubtedly to interfere with the constitution of any country is a desperate remedy, to be sanctioned by nothing but an overwhelming necessity. Sir, in the moment of conquest, even if a prostrate country was lying under your feet, you would not deal with it in the manner you are about to do with one of your most fruitful, valuable, and productive colonies. Where have the British arms ever carried along with them the destruction of the laws of the country over which they have spread their victories? The laws and constitution of your vanquished territories have always been held sacred. The rights of conquered countries have been held inviolable, as well upon the grounds of justice and the higher feelings of humanity, as

upon the lower considerations of policy. For it is not safe to run counter to the habits and feelings of mankind: and, although you may have the power, you must not arbitrarily destroy their rights. And, therefore, you will look in vain, Sir, in the whole course of the history of this country, for any period when we have not, in the midst of our conquests, respected the laws and institutions of the conquered. You will look in vain in the whole course of our own history for any periods of peril, turbulence, or innovation, which have been followed by such consequences as you are now supposed to be meditating with respect to Jamaica.

Sir, I do not wish to press this more strongly, because I know that when this Bill was presented to the House, it was proposed, as might have been expected with extreme reluctance by her Majesty's Government, at whose instance it was laid upon the table. I believe, (and I am bound so to believe, for it would be doing an injustice to any persons to assume the contrary), that it was a sincere feeling of reluctance which accompanied the introduction of this Bill; and I am bound to give credit to the Government that they would not do an act of this description—so formidable in its nature—so serious as to its probable consequences—unless it imagined that there was an overwhelming necessity to justify it.

Indeed, Sir, it would be impossible to look at this measure in any other point of view than in one or other of these two alternatives. Either this must be intended, as was strongly urged by my learned Friend last night, (because the effect is such), as a serious punishment upon this Colony for delinquencies of which it has been guilty: or it must be justified upon the ground of some political necessity. Punishment, I believe, is out of the question; crime is not imputed, accusation is not made; attempt at proof of delinquency there is none: and, therefore, punishment in that sense of the word must be altogether thrown out of consideration. It is impossible that this measure can have that foundation.

Sir, I should wish to follow the steps of my learned Friend in adverting, as we are bound to do, to the preamble of this Bill, for the purpose of ascertaining what has led to this extraordinary measure. I there read nothing of punishment, nothing of delinquency, I find it is merely alleged, that the Bill is necessary. The allegation in the preamble is, that

"Whereas the House of General Assembly at a particular time (the inaccuracy of the date has been already adverted to) having been summoned to meet on a certain day to constitute and ordain laws, statutes and ordinances for the public welfare and good government of the island, and having met in pursuance of such summons, did then resolve that unless certain conditions should be complied with (to which it is not expedient that Parliament should accede) they would abstain from the exercise of any legislative functions, excepting such as might be necessary to preserve inviolate the faith of the island with the public creditors: And whereas it has thus become *necessary*, that temporary provision should be made for making and constituting the laws for the island, the enactments to which I have before alluded, are proposed."

Now, Sir, there is nothing more important to be considered in any legislative measure, than the preamble of a Bill; there is nothing which the practice of Parliament, and which the necessity of the case, require to be stated with more clearness and more distinctness than the *reason* upon which the Bill is founded. It certainly would be one of the complaints against this measure, that it is not founded on a true statement of the facts; it alleges that the Assembly of Jamaica did resolve, that "*unless certain conditions should be complied with,*" they would abstain from the exercise of any legislative function. As far as I have been enabled to look to the facts, that it is not an accurate description of the resolutions of the Assembly; they did not annex any conditions; the resolutions were read by my learned Friend, the agent for Jamaica, yesterday; they only allege, that, considering the facts which have occurred, (and the principal of those facts was the passing of the Prisons Bill in this country), they did not hold it consistent with their honour, or becoming them, to proceed with their legislative functions, excepting, as far as might be necessary to keep faith with the public creditors.

This, Sir, is not a resolution founded upon conditions; it is not a suspension of their functions altogether; they hold themselves perfectly ready to provide for all the exigencies of the State, and they annexed to that, as far as I can see, no condition whatever. They went on to declare, that they suspended those functions only until they received her Majesty's pleasure with respect to certain matters which they afterwards mentioned; but I do not conceive, that either in literal meaning, in spirit, or in substance, is there any declaration on

their part that they withhold their legislative functions upon any condition whatever. How, therefore, this House, or the Parliament, can be called upon to pass a Bill upon an alleged necessity, arising out of resolutions which are founded upon conditions, when, in point of fact, there are no conditions at all, I cannot understand. The least I have to say is, that this is inaccurate; it is not precise; it is not distinct; it does not represent fairly before the Legislature the conduct of the Assembly of Jamaica; and, therefore, I attribute it to some haste, or some inadvertence, or some misapprehension of what the Assembly have done. They have done no more than this: they say,

"You have created to us a difficulty; you have put in our way a stumbling block; we cannot proceed, unless we give up our independent legislative power; and, feeling ourselves in that situation, taking care always that the public exigencies shall be provided for, we do in other matters of legislation, which are not indispensably necessary, suspend our functions, which have thus been interfered with."

That is all. I feel it essentially necessary that the House should be in distinct possession of this part of the case before I proceed to a further consideration of the *necessity* upon which alone this proceeding can be justified. I trust I have sufficiently drawn the attention of the House to this point; so that, looking at the resolutions themselves, it can be clearly ascertained whether the preamble is a correct representation of them; and I submit, with much confidence to the House, that it is not.

But, Sir, to pass by that consideration—and, as far as I possibly can, to bring this House to one or two plain points—I will proceed to consider the *necessity* which is alleged. First, there is no necessity with respect to the supplies; there is no necessity with respect to any of the public exigencies; and I will, in one word, put the House in possession of the case of necessity which is said to exist at the present moment, by this simple statement; hoping in all I say I shall not improperly urge anything against any individual not present here to defend himself; that I shall not state with respect to any one more than is absolutely necessary to be urged for the purpose of making myself intelligible. I venture merely to say, that it was an error when it was supposed by the officer who at present executes the executive functions in Jamaica, that there were

seventeen temporary laws which it was necessary for the good of the island should be continued; because I believe I speak from the best authority upon that subject, recorded in the book which I have here, containing the despatches sent out to the colony, and which have been laid upon the table of this House, when I say,—that there is a despatch from the noble Secretary at the head of the Home Department, correcting that error. It is not my own correction, therefore, but official: inasmuch as Lord John Russell states, that instead of there being seventeen laws so circumstanced, there was one only (namely, that which related to the police) which required immediate attention. This, therefore, cuts down the plea of necessity to that simple point; and one word, Sir, with respect to that. I believe it is the clear and undoubted law and practice of the colony, that the Governor, if he thinks fit, by virtue of his prerogative (and it would be extremely extraordinary if it were not so), can take care for the preservation of the public peace, independently of those considerations of police to which the noble Secretary for the Home Department has referred. There was therefore, Sir, no pressing necessity. And I put my case, in the first instance, upon this point. There was no necessity of the kind alleged; the government of the island could go on precisely in the state in which it was. At all events, when we are speaking of necessity, it must be remembered always, that I apply this to that sort of necessity which is to justify the extinction of the constitution of an independent colony. There is in this case no such necessity to justify such a proceeding; nor can such a necessity exist till the Governor has called the Assembly together, and has propounded to them the immediate execution of any part of their duty essential to the preservation of the country—essential to the supplies—or essential to the carrying on of the government of the island, and that, under such circumstances, they had refused to act. No case of that kind is made out; the necessity simply reduces itself to the point which I have already mentioned.

There being, therefore, as I conceive, Sir, no necessity to warrant this proceeding, I should almost feel that I had done my duty to my clients if I rested where the case now is; because I am confident that I should have the ready assent of every Member of this House, that without a case of overwhelming necessity, you can-

not destroy any constitution: or, above all, interfere with the popular portion of a constitution that has existed for the length of time that the constitution of Jamaica has prevailed.

But, Sir, I feel that I should be unjust to my clients, and not paying proper respect to the House, if I did not use my best endeavours to bring shortly before them what is the real nature of the difficulty which is said to exist in Jamaica at the present moment—what has led to it—and what is the justification to be found for the Assembly (for that is all that I seek to do.)

I ask not where the blame lies; I impute it to nobody; it is no part of my advocacy here to endeavour to fasten it upon anybody; it may be misconduct; it may be inadvertence; it may be haste; it may be any thing they like. I impute it to nobody; but I stand here to make out before the House a proposition, about which, if I have but the power to communicate to the House the clear conviction that I have in my own mind, I doubt not that I shall make it appear as clear and distinct as any proposition that ever was stated.

The proposition I lay down is this, that under the state of things which existed in Jamaica, let them be caused by whom they may, it was not open to the House of Assembly to have taken any other course but that which they have adopted. That is the position by which I mean either to stand or fall. And I say more, Sir; I beg leave to add, that considering the very embarrassing circumstances which have arisen, as I think by no fault of the Assembly, they had no mode of proceeding but the course which they have pursued. I beg leave to say, that to this moment not one single effort towards conciliation has been made by anybody:—either in or out of the colony—either connected with the Governor or not connected with him—either by the Colonial Secretary or her Majesty's Government. It is complaint of injury on one side; it is a total absence of conciliation on the other.

Sir, the transactions out of which the unfortunate difficulties in Jamaica have arisen, are these:—The Acts which have been passed in the Legislature with respect to the abolition of slavery are too recent and too familiar to the House for it to be necessary for me to say one word about them. Certain provisions have been thought requisite in consequence of the emancipation. The Assembly have participated in many of the Acts which became necessary since the

abolition of slavery. I do not mean to weary the House with a detail of the circumstances; but I venture to say that the Assembly of Jamaica has, at least, taken its part in the noble and splendid work of Emancipation. When that Act passed, a power was given to the colonies—a most considerate and wise power—to pass, by the vote of their own Legislature, the measures which would be necessary to give effect to the emancipation. Jamaica voluntarily met the emergency; Jamaica put an end to the slavery, and made the slaves free by an Act of its own Legislature. It is well known to the House, that a period of apprenticeship was interposed, in order to familiarize the slaves with the freedom which was given to them, and by degrees to bring about that important change in their condition. The period of apprenticeship was to last till the year 1840, which has not yet arrived; an appeal was made (I wish not to introduce one word of acrimony if I can avoid it; whether it was accompanied with more of pressure than should have been, it is not for me to say) but an appeal was made again to the colonies, whether they would shorten that period which the wisdom of the Legislature had defined for the continuance of the state of mitigated slavery. Again, Jamaica concurred in aiding emancipation, and the Assembly of Jamaica assented to abbreviating that period, and, upon the representation of the Governor, passed an Act to effect the anticipated termination of apprenticeship.

That Act, Sir, was sent to this country. Intelligence of it was received in England on the 16th of July, 1838; and, on the very day that that Act was received, an Act by which the legislative body in Jamaica had shown its readiness to carry out the wishes of the Imperial Parliament, with respect to the emancipation of the slaves—the Prison Bill was laid upon the Table of the House of Lords, by the then Secretary for the Colonies. I hope I do not exceed the line that I have proposed to myself, when I say, that this, at least, was felt in Jamaica as an unexpected—an ungenerous—and an unkind return for the compliance which they had shown with the wishes of the Imperial Legislature. Sir, the circumstances of that Bill, to which I shall have occasion to draw the attention of the House, were very peculiar; however, it is, at present, sufficient to say, that it received the royal assent. It was sent out to Jamaica.

Sir, previous communications from this country, with respect to the prisons, had been received by the Governor; and, when received, had been communicated to the House of Assembly. The earliest opportunity had been taken, of informing them of the despatches sent from this country, from time to time, for the management of prisons; but, when this Act went out, no notice whatever was taken of it by the Governor, when he opened the Assembly; and the first public intelligence which that body received of the Act of the Imperial Legislature, with respect to the prisons in Jamaica, was, by its being placarded on the outside of the door of the Assembly, accompanied with the Governor's proclamation, that it was to take effect in the island.

Sir, in cases of this description, there is no mode by which we can so effectually try the real nature of any facts, as by applying them to ourselves; and therefore, again I say, supposing this House was dealt with in that manner, would you, or would you not, resent such a course of conduct? It would be done with temperance, no doubt; I do not see that the course of the Assembly in Jamaica was, in that instance, intemperate; but, however, it is sufficient for me to say, at the present moment, that the passing of that Bill by the Imperial Legislature, sending it out to Jamaica, and its being promulgated in the manner it was, and withheld from the Assembly, was the cause of those representatives of the people, for a time, refusing to execute their functions, except as far as was necessary to meet the public exigencies.

I have thus shortly, Sir, stated that which is the real cause of the difficulty, in order that it might be present to the mind of the House, at the time when I proceed to illustrate, as far as I can, the proposition I before stated—That, upon that Bill coming out to Jamaica, the House of Assembly had no other course to take but that which it adopted.

Now, Sir, it will be necessary for me, in order to deduce my argument clearly and distinctly from the premises which I mean to assume, to see if I cannot establish distinctly two or three plain points, so self-evident that, I should think, they would almost prove themselves—I have the advantage, Sir, of alluding to what my learned Friend urged to this House last night; and, therefore, I need not fatigue this audience with going through any of the detail then brought before them; I

shall rather assume the result of what my learned Friend so clearly, so luminously, and so very distinctly, stated to the House. Sir, the first proposition which I lay down is this:—that the essential Constitution of Jamaica, as established by his Majesty Charles the Second, was of a popular character.

In the year 1660, the then Governor, Colonel Doyley, was directed, by a commission from the Crown, to have, as an aid to him in the government, a Council to be selected by the people. That is the commencement of the Constitution of Jamaica.

Very shortly after that period, commissions were issued, directing the Governor also to take to himself assemblies of the people; those assemblies were, in point of fact, summoned; many of them were called in succession.

At last, the Crown thought fit to interfere, and to raise doubts as to the propriety of having an Assembly, and to question the power of those assemblies; but, after a struggle of three years upon that subject, the point being submitted to the judges of this country, and being carefully and temperately considered in the Council, the attempt of the Crown, under the advice of the Ministers of Charles the Second, to put an end to the assemblies of Jamaica, was abandoned; and the assemblies were directed to be called and summoned again, in the order, and “in the manner which had been used and accustomed.” Sir, in all the controversies which have arisen with respect to the legislative Assemblies in Jamaica, the constant language used by the Crown has been, that the Assemblies shall be called and summoned “in the manner which has been used and accustomed;” and I appeal to those expressions emphatically, because, though I am prepared, if the occasion require it, to go into the consideration of the extent of the prerogative of the Crown on the one hand, and the independent rights of the colony of Jamaica on the other, yet I do not feel myself called upon to enter upon that question, because I stand here to support that which we every day refer to, in this country, and which all our institutions proceed upon, namely, the usage and practice of the Constitution. I rely, as we rely for our invaluable common law, upon usage, custom, and precedent. I say, whatever abstract notions may be entertained by some, I have no difficulty in reconciling prerogative and freedom, dependency and independency. Whatever abstract notions may exist, with respect

either to the supremacy of the Crown of this country, or the Parliament of this country, over the colonies; whether that is to be sought for in the general principles of law, or whether it is to be found in the statutes applicable to this subject, particularly the 6th George 3rd, cap. 12, which says, that the colonies shall be dependent upon the mother country, and shall be subject to the supremacy of the Crown, and the Parliament: admitting all that, to the fullest extent, I am prepared still to say, that, by the express proclamation of the Crown, attempted afterwards to be set aside, but subsequently restored, and by the usage and practice of the island of Jamaica, it ever has had, and still has, an independent legislative power in the Assembly, for the purposes of internal regulation; and that that power never has been infringed upon.

Sir, that power of internal legislation was exercised by the Assembly immediately after it was recognized by the Crown, at the close of the reign of Charles 2nd. The Crown did not acquiesce in it; it abstained for a long time from giving assent to the laws which were passed by the Assembly; but, finally, in the year 1728, after a long course of dispute between the Crown and the colony of Jamaica, a compromise, or an arrangement was made between them, which was embodied in a local Act of the Assembly of Jamaica, and which gave, on the one hand, to the Crown, a permanent revenue, but, on the other hand, secured to the colony its laws and institutions; and one of the laws then secured by that Act gave to the Assembly an independent legislative power for the purposes of internal government.

I have already, Sir, alluded to that Act of Parliament which declared the dependence of the colonies. At the time that Act passed—at that very period when the question of the dependence or independence of the colony was fresh in the consideration both of the Crown and the Imperial Parliament of this country—local legislation went on in Jamaica precisely in the same manner as it had done before. A considerable number of Acts, I forget how many, but rather an unusually large number, passed the Assembly of Jamaica in the very year in which that Act, declaring the dependence of the colony upon the mother country, was passed; and I say, therefore, that if there is any one right which has been established by the express declaration

of the Sovereign—which is founded in practice and usage—and which has been confirmed by Parliament—it is that right of the colony of Jamaica to have an independent legislature for the purposes of internal government.

Nor, Sir, does the matter rest there; because the House was informed by my learned Friend last night—and it would otherwise be in their recollection—that a subsequent statute of the 18th George 3rd, which expressly prohibits the Imperial Parliament from taxing the colonies, presupposes a power of internal taxation to exist in the Assembly, because, otherwise the government of the country could not be carried on.

There is, therefore, no sanction, Sir, which the laws of man can have, which is not accumulated, as it were, in this case, for the purpose of proving the internal legislative power of the colony of Jamaica. That is one point upon which I rest; and I beg leave to say, that I do not believe that the ingenuity of man can devise reasons for shaking that proposition; and I shall, therefore, assume it as indisputable, that the colony of Jamaica ever has had, since it was established, and ever has exercised, against the power of the Crown, and against the interference of Parliament, the power of taxing itself, and making laws for its own internal government.

I advance one step further, Sir; I say, suppose it was questionable; suppose there was any doubt about it; suppose anybody should suggest “Why, you are in error; internal legislation is an extensive term; you must define to what it is applied;” I should, in answer, apply myself solely to the present argument; for I wish, in the language of the lawyers, to keep myself within the record; I say, no person alive can doubt that the providing and maintaining prisons, and the regulation of prisons, is a fit subject for internal legislation; and cannot, either in wisdom, or in policy, or in any view that can be possibly taken of it, become a proper, or legitimate, or convenient subject for legislative enactments for the mother country, in which the people of the island are not represented.

Now, Sir, besides that proposition, which I feel confident cannot be shaken in any degree, I have the fact to speak for itself:—because I have a long succession of statutes from time to time passed by the Legislative Assembly of Jamaica, with respect to prisons; Acts which have become law in the island, and that with the sanc-

tion of the Crown—because Acts passed by the Legislative Assembly of Jamaica are not binding unless they receive the sanction of the representative of the Crown (the Governor), who is one of the consenting parties to them; and, if the Acts assented to by him, the Council, and the Assembly, are not subsequently disallowed by the Crown, upon their being communicated to the mother country, they are effectual and binding. There is, therefore, the acquiescence of the Governor for the time being, and of the Crown itself, to those Acts to which I have before alluded, regulating prisons, and providing funds for their erection, and, in point of fact, dealing altogether with prisons and prison discipline as a matter within their power, cognizance, and direction.

I think I have before alluded to the Acts which have been passed by the Assembly of the colony. The largest number in any one reign was in that of Charles the 2nd; and at the other period, just after the Act asserting the dependence of the colonies, there were also a great number passed; and applying this observation especially to Prisons, I find, that there are Acts passed in the reign of Charles the 2nd; one in the reign of George the 2nd; three in the reign of George the 3rd; subsequently, one in the reign of George the 4th, and three in the reign of William the 4th. I have, therefore, in respect to this matter, no difficulty whatever. It is, by the consent of the Crown, a matter of internal regulation: and it is conceded that the Prisons should be under the laws made by the Assembly.

Now, Sir, that being the case, I feel, that with respect to the Prisons Bill, which was passed in the year 1838—the last year—I have nothing more now to do than to say, that that Act was, as far as Jamaica is concerned, an interference with the acknowledged right and practice of the island to have those matters under its own control. That is a sufficient answer to any case that can possibly be set up.

But I will not content myself without considering the case in the most disadvantageous point of view for the island. Supposing it should be said, that in consequence of emancipation, new laws, new regulations, new prisons, became necessary, and that the Legislative Assembly ought to have considered those circumstances. The answer, Sir, that I have to that supposition is, that there never was a message

sent down by the Governor to the House of Assembly in Jamaica, with reference to prisons, to which the Assembly did not instantly give their most serious and mature consideration; and again and again they have had the thanks of the successive Governors for having discharged their functions in that respect with promptitude and zeal. In the year 1829, when Lord Belmore was Governor, a message of that kind was sent down by that noble individual, and it was immediately acted upon, and the Act of the 11th of George the 4th for the regulating of gaols and prisons, was passed immediately by the Assembly. After that time, Lord Normanby, and Lord Sligo, each in succession, at different periods, sent down to the Assembly, messages upon this subject which were all complied with. My learned Friend, last night, stated to the House the occasions—the nature of the messages—and the manner in which the compliance was effected. It cannot be truly urged to this House, that at any time whatever was the Assembly of Jamaica either lukewarm or negligent, or holding back in any degree, in making such provision for the regulation of prisons as was thought necessary.

Sir, in the year 1834 there were three Acts passed with respect to the prisons in Jamaica. It was thought, at that time, that it was necessary, that particular measures should be taken with respect to the prisons; and a measure to that effect was carried down to the Legislative Assembly. They thereupon passed three successive Acts, the first establishing minutely (as it appears upon the face of the Act) regulations for the gaols, as excellent, I believe, as could be made; as good in every respect as the regulations which exist in this country. And the Act required, that they should be stuck up in the different gaols, in order that they might be known to all the prisoners. I imagine a better system of gaol discipline with respect to the classification of prisoners, and every other matter which required attention, could not be made than that which was contained in the Colonial Act of 1834. The Governor stated in his message to the Assembly, that “this Act was the most important of the session;” but it required fresh prisons to be erected, and he feared there had been negligence in the parishes in carrying it into effect. Some observation was made in answer to that; the pressure of the times and the difficulties of the island at the moment, had probably led to that de-

lay; but that care would be taken to provide for it. In the same year an Act was passed to raise funds for the building of gaols; and no less a sum than 42,000*l.* was raised under that Act, for the purpose of improving the prisons then existing, and affording funds to build new ones where they were necessary. Nay, they did not stop there: for when (as we all know too often occurs in Acts passed in our Legislature here) some further correction was necessary, an Act was passed in aid of the former, and to give full effect to its provisions. I say, therefore, that there never was a legislative body who attended more to the intimations of the executive than the Legislative Assembly of Jamaica. There never was a body giving more practical proofs of their willingness to carry the wishes of the executive into effect.

After this Act was passed, further communications came from the Governor, intimating that preparation must be made for the change which was soon to take place. Answers the most courteous were returned from the Assembly, stating that they were proceeding to make that preparation. A gentleman of colour, one of the most intelligent and most active members of the Assembly, took the subject up:—formed one of the committees which were from time to time appointed by the vote of the House of Assembly—attended to the matter himself—prepared a bill upon the subject—and was proceeding to carry that bill into effect, and to do everything which the change of circumstances might render necessary for the general regulations of the prisons. He was doing this up to the very moment when a commission was sent out from this country for the purpose of inquiring into the state of the prisons in Jamaica; and that commission, I am sorry to say, had been occasioned by observations which had been unjustly made with respect to the conduct, the management, and the regulation, of the gaols in Jamaica. I hope I shall drop no expression which can be construed as treating lightly any feelings of humanity towards those who, for any purpose, are put under confinement; but there was a great deal of very warm discussion in this country as to the enormities which were said to be committed in the prisons in Jamaica; and perhaps it was an act of kindness on the part of the Government to send out a commission for the purpose of investigating that matter. A commissioner went out;

he arrived in the colony in December, 1837; I believe he was in the island during December, 1837, and January, 1838; he went to all the prisons; he made a report; that report was sent to this country. Now, at that very time, when the commissioner having been to the colony—having investigated the subject—having come back to this country—and having, in the ordinary course, made a report—and when, in Jamaica, they were expecting that that report would be sent out to them, or communicated to them; at that very time also, the noble Secretary for the Colonies had sent a despatch out to Jamaica, which the Governor had communicated to the Assembly, drawing the attention of the Governor to the circumstance, that in the year 1840, the apprenticeship would be at an end; and that despatch closed with the intimation “that in 1840, if not before, they must make some regulation with respect to the prisons:” the Governor had also stated that returns had been called for from the parishes with respect to the prisons, and that those returns would be laid before the Assembly:—Sir, in that state of things, when the colony were looking for further information from the mother-country—when they were waiting for the report from the commissioner who had been sent to investigate their gaols—and when the individual to whom I have alluded was making provisions for the Prison Bill, it is at that moment—at the moment when they have aided the total emancipation of the slaves, by doing away with the apprenticeship, that this Bill was brought into the House of Lords by the noble Secretary for the Colonies. Now, Sir, if I have established the points for which I have before contended, that the Assembly have by law the right of regulating their internal government—and that prison discipline and prison management are a part of that internal government, I do say, and I cannot be driven from the position, that the Prison Act passed in this country was an interference with their most indisputable and most sacred rights.

Besides, Sir, there was no necessity for that act; as far at least as Jamaica was concerned; for the Assembly of that island was doing all that could possibly be required of them to do, they were proceeding with the subject, they were ready to do all that was necessary to effect the wishes of the Government. In that point of view, therefore, the act was altogether unnecessary,

And now the House will, I am sure, indulge me for a few moments, whilst I describe the real character of that Bill. I have alluded to the report of Captain Pringle, which was expected in Jamaica. That report was laid upon the Table of the House of Lords; it lies now upon the Table of this House. Everybody would, of course, conceive that the elaborate report of the commissioner would, upon the face of it, show an overwhelming necessity for the Imperial Parliament to interpose on that particular occasion in a manner so contrary to its former practice; for such a thing was never done before with respect to the island of Jamaica. It would, therefore, be supposed that there was something that made it imperatively necessary for the mother-country to interfere. Sir, it was totally unnecessary with respect to Jamaica, for the reason I have mentioned. The report, so far from showing any necessity, affords, in a great measure, as has been properly observed, an answer to the unjust imputations which had been cast upon the colony, of severity to prisoners: it negated, in a great degree, those charges; and showed what is most important—namely, that the greatest portion of the abuses which had existed had been corrected. For if any individual Member will take the trouble of reading that report, he will see frequent allusion to what had existed before; what Captain Pringle had been led to believe, he should find. But the commissioner states in his report, “it was so before;” “it is not so now—the magistrates have interposed, matters have been corrected, many things which were wrong have been put right;” and I venture to say, that the report, so far from giving a justification for hasty interference; gives a decisive answer to the imputations which had been made; and takes away every excuse for passing the Prison Bill, as far as Jamaica was concerned.

Now, Sir, it was with a knowledge of that report—it was at the time it was laid upon the Table of the House of Lords—on the same day, that the Prison Bill was introduced into that House. It was read for the first time on the 16th of July. There was not one single day allowed to pass upon which that House met that the bill did not pass some stage: every sitting was taken advantage of: and no unopposed turnpike bill ever went through the House with more rapidity than that bill, which was in fact an infringement of the rights of the Assembly of Jamaica. As far as any pub-

lie means of knowledge can be obtained, there is not the slightest trace of any discussion upon its merits in the House of Lords: or even as to the introduction of the measure. Nothing was said or any explanation given by the Colonial Secretary to apologize for so great an innovation, (which it undoubtedly was), nor for so novel a precedent. I believe, with the exception of a collateral inquiry made by a noble Earl (but which had nothing to do with the merits of the question;) there was nothing said—nor was there the slightest allusion to its being an interference with the Legislative functions of the Colonial House of Assembly. The Bill passed through the House of Lords as the most ordinary measure would do. It came down to this House. And here precisely the same haste occurred again. No day of the sitting of the House passed without that Bill proceeding a stage; so much so that, although there were formal amendments made in this House which were carried up to the House of Lords, and, requiring the assent of that House, occasioned some delay, yet finally the Bill passed, and received the Royal Assent on the 4th of August; having made its progress through Parliament without the slightest notice being taken of it. It was brought in on the 16th of July, passed through both Houses, and received the Royal Assent on the 4th of August.

Sir, I think I have heard it whispered that that Bill did not pass through without observation; I beg leave at once to take issue upon that fact. I say that it did pass through without material observation—nothing but the incidental collateral comment of the noble Lord, to which I have before alluded, having taken place; and in the whole course of parliamentary legislation, I will venture to say, that there never was a measure effected with less canvassing—less observation—less explanation by any of those whose duty it was to represent to the House the nature of the proceeding, and to put Parliament upon its guard, than this Prison Bill, which was thus to interfere with the Legislative independence of the Colonies.

I am sure, Sir, if I were to press the House with further argument, I could not represent the case to them more strongly than these facts declare it. But I will go a little further and say, (I hope not disrespectfully,) that of all the impotent Acts that were ever passed by the Legislature, there never was one more impotent—or

insignificant—more uncalled for—less operative, than the Prison Bill which was so passed, and which so affected the colonies.

I have the Bill in my hand. I do not make these observations lightly or inconsiderately. What does the Bill provide? One would imagine before the internal Legislature of Jamaica, or any other Colony, was to be affected, something important, and which was to be followed by material and imposing consequences, would form a justification for the step. According to my judgment, looking to the Act itself, nothing can be more unimportant—nothing less material or imposing in its consequences.

But I will distinctly draw the attention of the House to what has been effected under its provisions: and then the House will see whether this Bill affords any justification for its passing. Heaven forbid that I should attribute motives to any man; I cannot know what the hidden motives may be. But I do protest that it is not possible for any human being to trace any motives of expediency for passing such a Bill as this. It first recites,

“Whereas it is expedient to make further provision for regulating prisons in her Majesty’s colonies in the West Indies, and for the superintendence and care of prisoners confined therein, and for the due discharge of their duties by the keepers and officers of such prisons.”

It then enacts,

“That it shall be lawful for her Majesty, with the advice of her Privy Council, or with respect to the prisons of each colony, for the Governor and Council of such colony, to make rules for the government of the prisons in her Majesty’s colonies in the West Indies, and for the care and superintendence of the prisoners, and for the duties of the keepers and officers of such prisoners, and also to amend or annul any such rules in force at the time of the proclamation of this Act or which shall be made after such proclamation, and all such rules so made or amended shall be binding on all persons within such colony.”

Her Majesty also, may amend or annul any rules; or may make rules.

This is the important matter which is to be effected under this hasty Act, sent out to the colonies in so insulting a manner;—that her Majesty, or the representatives of her Majesty, might make rules for the government of prisons, and for the care and the superintendence of the prisoners. What a mighty matter upon which

to interfere with the internal regulation of the colony! But what was the sequel?

This Bill had passed through the Houses in the manner I have mentioned, with the greatest expedition! One would expect that there was at least corresponding expedition in carrying it into effect. On the 13th of August the Colonial Secretary sent it out to Jamaica. It arrived there on the 25th of September. Well, surely this impromptu Act, this forced birth of the Legislature, must, immediately it arrived in the island, have been acted upon with the utmost promptitude. It was not till the 29th of November that the Governor exercised the powers given him by this important Act. On the 29th of November, the imposing powers ceded to the Governor of the colony—the representative of her Majesty—the instrument of the executive—were carried into execution; and the Acts so essential for the benefit of the colony were announced to the happy island. Yes, on the 29th of November were promulgated, under the approval of her Majesty's representative, a body of rules for the regulation of prisons,—extremely important, no doubt,—but they were copied almost verbatim from the colonial Act, which I have before described to this House as passed by the Legislative Assembly of Jamaica in the year 1834.

Such, Sir, was the haste—such were the means adopted in this country—for sending to the colony a Bill to produce such a diminutive effect.

Now, was it possible for any lawfully-constituted body,—for a body of representatives,—for the guardians of the rights of the people,—to look without extreme jealousy at a measure of this kind,—sent out to this island in so unprecedented—so unusual a manner,—interfering with their ordinary usages, customs and practice,—and practically encroaching on their constitution; and all for what?—to produce so absurd, so ridiculous a result.

Sir, what are the other provisions of this Act? The Governor has power given to him to appoint inspectors of prisons. This again was a matter totally unnecessary. The Governor had before, in himself, the power of appointing inspectors in this manner. There are, in Jamaica, local magistrates; magistrates residing in different districts, much in the same manner as the magistrates in this country. There have also of late years been introduced special stipendiary magistrates; and they are more immediately under the nomina-

tion of the Governor. They are supposed to be a body in some degree either restraining the conduct, or correcting the errors of the local magistrates, who, it was unjustly surmised, might not be so impartial in their conduct or well-informed in their duty. The Governor has the power of making those special magistrates, local magistrates, and those local magistrates have the power of inspecting prisons. Nothing, therefore, could be more uncalled for than the section to which I have last alluded; which gives, as if for the first time, to the Governor, the power of appointing inspectors of prisons, a power which he had possessed and exercised before. By the next section, the Governor may visit, or authorise any person to visit, prisons; a penalty is imposed for obstructing inspectors or any authorised persons. The Governor may suspend or dismiss officers. Periodical returns are to be made, and plans of prisons are to be sent to the Governor; and then there is a section to inform the people of the colonies of the meaning of the words "prison" and "prisoner."

These are all the provisions of the Bill, with the exception of one, which I have purposely passed over, and to the real effect of which, I will draw the attention of the House. But first I beg to ask, is this a Bill to meet a sudden emergency? a Bill to suit the peculiar circumstances of the colonies in their new condition? No such thing, Sir. It is nothing but a few clauses selected out of a former Bill for the regulation of prisons in the country; those clauses being rejected which were totally inapplicable to Jamaica and the other colonies, and those clauses only retained which were of such a general character and scope, that it was thought perhaps that they could do no great harm. But there was not the slightest pretence for supposing that they could in any respect be applicable to the varying constitutions of the different colonies. My learned Friend, Mr. Burge, pressed this subject too forcibly upon the attention of the House for me to attempt to enter upon it. What is the advantage of uniformity in the management of prisons in the different colonies, even if that uniformity was established? Where is there any advantage to be derived to any of the colonies—or to any of the different classes there, of whatever colour, from the very insignificant clauses, to which I have alluded?

Then, Sir, there is a clause, which I beg

leave to say is in the direct teeth of the Act of Parliament passed for securing the colonies from taxation by the mother-country; for, either the clause in question would be totally inoperative, or it would have the effect, that no persons could be confined in the gaol, which the Governor might certify to be unfit, and so operate as a general gaol-delivery—or it would impose upon the colony the necessity of raising funds to build new gaols. The Governor has by the Act the power of certifying that a prison is unfit. Suppose the Governor were to exercise that power. If this section has any real or substantial meaning, it must be this: "You, the people of Jamaica are liable to build prisons, and we will give the Governor the power of certifying that the present prisons are unfit, and you will then have to build new ones." Then, Sir, what is the effect of that? Does any body mean to deny, in the face of the statute of the 18th of George III., that the sole right of internal taxation belongs to the colony alone? But this clause in the Act which the Imperial Parliament has sent out to Jamaica will be totally inoperative, unless the local Legislature there exercises the power of voting the money necessary for building other prisons when those existing are declared by the Governor to be unfit. This Act, therefore, shows that the parties who framed it knew there was an independent power of taxation in the colonies:—they knew more:—they were well aware that they were sending out a piece of waste-paper, unless the Colonial Assembly would act upon it, and find the funds to build those new prisons which the Governor's certificate might make necessary. I say, therefore, that the Act was inoperative for the purposes intended. If the Act was passed for the purpose of regulating the prisons in Jamaica,—it neither afforded nor produced the rules necessary for their government; nor, if its object was to build new prisons, the means to carry that object into effect; for they could not be raised unless the Governor resorted to the colonial Legislature for the purpose.

Now, Sir, I have endeavoured to draw the attention of this House to this point, that not only was the Prison Act in direct contravention of the independent power of the Legislature in Jamaica, but also that it was altogether inoperative in its effect.

Was such an Act likely to be adopted by the Legislative Assembly in Jamaica? I

would ask the House, supposing her Majesty was to be advised by her Ministers, that a message should be sent to the Lords to pass a Money Bill, and that such a Bill was sent down to this House, would you tolerate it for a moment? Has this House ever tolerated proceedings of that description? Might not innumerable instances be accumulated in which this House, with a just jealousy—a just regard to its own privileges—has again and again, though to the cost and inconvenience of parties, to the inconvenience even of the public, thrown out Bills sent down from the Upper House with perhaps trifling alterations in them, but which might have the effect indirectly of interfering by precedent with the privileges of this House? Have not those privileges always been guarded by this House with the greatest vigilance? Sir, it is fortunate for me that I can quote an instance upon the very subject to which I have alluded, viz., the building of prisons, and in which the Bill would have an indirect effect, very similar to the clause in the Prison Bill to which I have alluded, enabling the Governor to say, that certain prisons were unfit to receive prisoners, and therefore no prisoners should be sent there—that would have the indirect effect of making the Colonial Assembly raise money to build other prisons.

Now I find in Mr. Hatsell's *Precedents** this instance:—

"On the 4th of May, 1737, a Bill from the Lords was read a first time, and it appearing, that there were provisions in the Bill for declaring a new gaol or prison (it was simply declaratory) lately built at Horsham, in Sussex, to be the common gaol for that county; and that the said gaol should be kept in repair by the same means by which other county gaols are repaired. Those provisions were so directly against the rule, 'That the Lords should not impose any rates or taxes upon the people,' that upon the Speaker stating them to the House, it was unanimously agreed to lay the Bill aside, and to give leave to present a new Bill for these purposes."

It is almost identically the same state of things as was produced in Jamaica by the Prison Bill. In the case quoted, the House of Lords only passed a Bill directing, that a particular gaol should be a county gaol, and left the burden to fall upon those to whom it attached by the common law, casting it therefore indirectly upon the county. This House rejected that bill immediately, and would not allow it to

* 3 Hatsell's *Precedents*, p. 130; 2nd Edition. "Supply," "Lords interfere,"

proceed:—in doing which the English House of Commons did only that which the House of Assembly of Jamaica have done. Because hon. Members will do me the favour for one moment to consider, that when this Bill was sent out to Jamaica there had been no unsuccessful appeal to the Assembly. The Imperial Parliament, without such appeal—in defiance of the Act directing, that the colonies should not be taxed but by themselves—had directly taxed them: and when it was apparent, that the Act was inconsistent with the right of internal legislation they had so long enjoyed, what had the Assembly to do but to say, “You have committed a breach of our privileges, and, having done so, we stay all our proceedings, except so far as may be necessary to meet the public exigencies.” I know of no other conduct that they could have pursued; and I venture to say, that if this House was put into that situation, and had no other remedy, it would go further—it would stop the supplies. I have no doubt that every hon. Member will feel that such would be the course of proceeding for this House.

Now, Sir, having put the conduct of the House of Assembly upon its proper footing;—showing, that it had a clear right of internal legislation—and that that right was needlessly and wantonly interfered with (for there was no object in the Prisons Bill to justify it)—that being the real state of the case, I ask, was it to be expected that the Assembly would act otherwise than they did?

I beg leave to remind the House of the constitutional course which was taken when this measure was discussed in Jamaica. It is not the fact, as stated in the preamble of this Bill, that it was on the 18th of December that the resolutions to which I have alluded were passed—it was at an earlier period. The real history of the transaction was this:—Early in November, the Prisons Act having been promulgated in Jamaica by the Governor, the House of Assembly resented the encroachment on its privileges. The Governor made a speech to the House of Assembly; that House answered the Governor in those resolutions which have been quoted, and in an address, embodying the same matters. The Governor, on the very same day, prorogued the Assembly, as he said, to give them time for further consideration. The prorogation was to the next day. The first interruption, therefore, of the proceedings of the legislature, was the act of the Go-

vernor; he stopped them from doing any thing more on that day. On the 4th of November, the next day, the House of Assembly continued of the same opinion as they were the day before. No circumstances of exasperation of any kind occurred; they simply adhered to their resolutions. The Governor took the proper and constitutional course; he wrote a despatch, saying that the House of Assembly, having taken that course, he should make the legitimate appeal to the people; and he accordingly appealed to the constituency upon the subject, by dissolving the Assembly.

I have already said, that I do not wish to introduce into this discussion any thing which may have a tendency to exasperate;—however, I cannot but think that it was an unfortunate expression, to say the least of it, for the Governor to adopt, when in his despatch to the Colonial Secretary, he said, he had dissolved the Assembly, in hopes that “he should get another Assembly composed of more enlightened Members.” If any circumstance should lead to the dissolution of this House, I think Members would not feel it very agreeable for the Crown to avow, that the reason of dissolving it was, that the Sovereign for the time being, thought that a new House might be assembled of more “enlightened” Members. At least, it was not courteous, and it is not to be expected, that when language of this description is used, as to any body of men, and most of all as to a body of men, founding their claim to respect upon the votes of their fellow subjects, and representing them in Parliament,—it is not, I say, to be expected, that they would receive that sort of intimation with other than very strong feelings. Nor do I, at this moment, think that I should err in the slightest degree before this House, if I were to use terms of the utmost indignation with respect to conduct of this kind, towards the representatives of the people. I should look in vain for any Honourable Member of this House, from whom I could expect censure if I should take such a course. But I feel a restraint put upon me, by the intimation of my clients, who wish that I should argue the case upon its real grounds, and with that moderation and temper which forbid my making such observations as otherwise the feeling of the moment might dictate. The Governor dissolved the Assembly. In that Assembly the majority by which the resolutions were carried was very great,—there was only a

minority of five,—those five, with the others, went to their constituents, and four out of their number were not returned again to the Assembly. Now, I beg leave to say, that if the voice of the people, given by their representatives in Parliament, was ever fairly, deliberately, and distinctly uttered, it was by the conduct of that new Assembly. The voters of Jamaica, who had exercised their franchise under the sanction of the law and the proclamation of the King for centuries,—those voters, so constituted, were appealed to by the executive power of the island. “Your Assembly has done so and so; we send them back to you, that we, the executive, may be informed what is your opinion of their conduct.” The people gave the required answer. They rejected those men who had hesitated in adopting the resolutions which vindicated the rights of the representatives of the people. They sent back those who firmly but temperately informed the Governor, that “they adhered to the resolutions of the former Assembly.”

Sir, I beg leave to ask, in this conflict of feeling between the governor and the governed, whether you can find, in the history of mankind, a more temperate, a more firm, a more becoming course of conduct than that which was adopted by the House of Assembly. Whatever restraint I have put on myself in addressing this House on behalf of my clients, nothing shall restrain me from giving to the conduct of that Assembly the feeble support of my approbation. If there is any meaning in the often-repeated assertion that those who have an interest in a country should vote with respect to the laws which are to govern it—if there is any thing substantial in the often-boasted privilege of the elective franchise—and these matters are not merely empty bubbles, without substance or reality—surely, when the executive power sends back the representatives of the people to their constituents, and asks for their deliberate opinion, after time for consideration, with regard to the conduct of their Members—and when those who are again returned with increased numbers adhere to the opinion which they had before expressed firmly but temperately—not a single expression escaping from them of which any human being can complain,—I say such representatives of the people hold up an example fit for the imitation of mankind. Then, indeed, the elective franchise becomes more than a mere bubble—more

than a mere subject for idle talk; and such conduct by the elected must ever receive the willing applause of all men, of whatever party, or opinion, or sect, they may chance to be. Above all, I will ask at least for the approval of a British House of Commons! In this place such conduct cannot be complained of: here it cannot fail to be duly estimated; and when, therefore, I feel that I am standing here merely to advocate the cause of the Assembly of Jamaica against a most violent, arbitrary, and unjust attack—not to ask for applause and approbation for them—but to beg you to ward off from their country this attempt to destroy their body—to suspend their laws—to annihilate their constitution—and to give to the island a new code of laws and a new government, such as it never dreamed of or imagined before—I stand upon such sure grounds of justice and truth, that I feel confident I never can be shaken from them; and do implore this House to pause before it assents to the passing of this Bill.

As far as I may be allowed to refer to such things, I understand that the second reading has been in a certain degree formal; and that the discussion of the merits of this Bill is to take place at another stage. If that had not been the case, I should have trembled even for the fate of the country in which such a Bill should have been allowed to rest for a moment in one of the Houses of Parliament. I should have had greater satisfaction if, when the attempt was made to bring in such a Bill, the House had opposed it at the threshold, and not have permitted it to come within its walls.

Sir, I am fearful that I have trespassed already too much upon the attention of the House. There are other collateral matters which I feel, in the full discharge of my duty, I ought to mention; but, at the same time, considering the kind indulgence and attention of the House last night; and the patience with which this case has been heard at your bar, I feel that I shall exercise a sound discretion if I abstain from urging other topics of minor importance.

I have endeavoured to found my argument upon three propositions.—First, that there is no present pressing necessity, as alleged in the preamble, for the interference of Parliament in this manner. Next, that the power of internal legislation has always been established and exercised in Jamaica, as long as it has been under the British dominion. Thirdly, that as an

undisputed portion of internal government, the regulation of prisons has, undoubtedly, ever been treated by the Assembly and acknowledged by the Crown as within the power of that body; nay more, that it has necessarily been so, because they alone can raise the funds for the support of the prisons. I have further shown, that with respect to legislating for prisons, there was no default whatever in the Assembly of Jamaica, but that it has always been ready and willing to make provision upon that matter, and did in fact legislate, and raised money to carry the legislative enactment into effect. There was, therefore, nothing existing in Jamaica at the time when this Prisons Bill passed through the Houses of Parliament which, in the slightest degree, justified such an interference with their rights, customs, and usages. I have shown, that the conduct of the House of Assembly, upon this Act being promulgated to them, was just that which this House, under similar circumstances, would have adopted, and that no other course was left for them to pursue.

And now, Sir, again I venture, with all humility to draw the attention of the House to that reluctance which was expressed when the Bill now under consideration was brought into it; and I beg leave to call upon every Member to consider whether he will inflict such an injury without cause? (without cause! I beg leave emphatically to repeat!) upon the rich, the beautiful, the productive, the free colony of Jamaica.

And, Sir, before I leave this bar, I feel I shall not thoroughly discharge my duty to my clients if I do not endeavour to do that which would also personally give me the greatest possible gratification,—make the first step towards conciliation. I have already observed, that from the time this difficulty first arose in Jamaica to the present moment, not one single Act has been done by way of an attempt towards conciliation. I know I may be met by saying, that the thing is impracticable. I beg leave to doubt that assertion. Because precedent was shown to the House last night in which a very small portion of conciliation had the desired effect, and the difficulty was overcome—or rather obviated—for nothing is so operative in its way as conciliation; and, unfortunately, we know that the other view of the subject is also equally true, that nothing is so likely to produce mischief as small bickerings, beginning in little things, but

ending in consequences even as formidable as putting the existing constitution of a country in peril.

Sir, I allude particularly to what took place in Barbadoes with respect to this very Prisons Act. It was sent out to Barbadoes. Its inoperative nature I have shown as to Jamaica; I imagine, if time allowed, I might do the same as to Barbadoes. The Governor of that island thought fit to send a conciliatory message to the House of Assembly accompanying the Act. The House of Assembly, acting in the same spirit as the Governor, took all in good part—the only mode by which these difficulties can be avoided—and they passed similar provisions as if they were their own:—and thus by their own act and by their own means, saving themselves both as to principle and precedent, and protecting their own rights and privileges, at the same time that there was an apparent acquiescence in that which the Government desired. That happy result, Sir, was produced because the matter commenced in a conciliatory spirit. I wish with all my heart I could, at this moment, lay a peace offering upon the altar of conciliation for the purpose of putting an end to this present apparent difficulty. There is not an Honourable Member who hears the suggestion who would not be too happy to see it carried into execution—unfortunately, I am not in a position to pledge myself to any thing, but I may be allowed to sketch out a course of proceeding. And I appear here to represent individuals who, while this matter is pending, have on two occasions exhibited the strongest feelings of conciliation; for I find many of those who instruct me have at a public meeting said,

“That they felt confident, that there was no disposition on the part of the House of Assembly or the inhabitants of Jamaica to exercise any act of oppression towards the emancipated negroes. That no distinction on account of colour is now known in the island, and they are persuaded that the Legislature of Jamaica consider all the inhabitants of that island as equals in point of freedom, and that they never will attempt to adopt any means which might create a distinction among them. That they see no reason to doubt, that the House of Assembly of Jamaica, relieved from all the difficulties and anomalies necessarily incident to legislation during the state of slavery and apprenticeship, will, if the Prison Act, which has been promulgated in so unprecedented a manner, were suspended, proceed to legislate upon the principle, that all the people of Jamaica are free inhabitants of

a free country and entitled to enjoy every benefit afforded by the British Constitution."

Such is the tone and language adopted by the individuals whom I now represent, at a recent meeting held since this measure has been in contemplation, and I believe since it has been in Parliament.

Now, Sir, following up the spirit of what they have here said, is there no possibility of some conciliatory course being adopted? There is an allusion to a suspension of the Prisons Bill. I do not mean to overlook any difficulties which may attend that measure. The Prisons Act of the Imperial Parliament is one which applies to all the colonies. I fear, therefore, to suspend it with respect to any one colony, might involve a difficulty. I am not instructed distinctly on this point, nor do I think that I can speak on it as with authority; but I do not conceive that there is any wish to ask for any thing which is unreasonable, or which might be revolting to the House. Not that I should have any hesitation in pressing upon the House the repeal of the Prisons Act, if I thought such a course absolutely necessary; for, if the Imperial Parliament had done an act of injustice towards one of the colonies, and if I was put in such a situation, that there was no mode of getting rid of the difficulty but by the English Legislature, in a bold and manly manner, meeting the exigency, and rescinding their own act, I should, without hesitation, press such a course upon them, and I should expect to be answered, in language becoming this House, "We did in haste—we did by surprise—we did by inadvertence—pass an Act which we find has given you just cause of complaint; and we will undo what has been unjustly done." Would any individual Member, in his own case, hesitate to take such a step? Will the Legislature act under a less high sense of honour than any individual Member in his individual capacity? It is impossible.

If, therefore, I have made out my ground, that this was a direct interference with the legislative power of Jamaica, I say it is an unjust act, and, if an unjust act, the English Parliament will undo it. I state that distinctly, because I feel confident I have a right to ask it from Parliament, and I do not expect that my claim would be denied.

But, Sir, it is not necessary to go that length. I do not represent the Assembly of Jamaica; but I have read that which

justifies me in saying, that I do not think feelings of any hostile or extravagant kind would, in any degree, pervade the Assembly, if it were made plain and palpable to them that a practical inconvenience would result to her Majesty's Government by suspending, in their particular instance, an Act which extends to all the colonies. I do, from what I have just read, express a hope, that my clients would be at least the first to press upon them some abstinence which should render such a course unnecessary.* I could, therefore, easily figure to myself, in my own mind, that if those who preside over the colonial department in this country do think it expedient (and, I trust, in all I have said, I have not cast censure upon any one; I do not mean that censure should be cast upon any one, nor do I mean to suggest, that censure should be implied in any thing that is done); but if those who preside over the colonial department could find it within the scope of their duty to recommend to the Governor, that some appearance of conciliation towards the Assembly should be demonstrated on his part, where is the difficulty of the House of Assembly in Jamaica doing that which the House of Assembly in Barbadoes has done? Why may not the House of Assembly pass this very Act, or pass a Bill of themselves to carry into effect still more substantially the objects of that Act, and secure also the means of having it carried into execution?

Sir, if there is the possibility of such a result from such a course, is it not most advisable, that at this moment with respect to the bill now before the House, some pause should be allowed in order that this matter should not be pressed on, before the Governor has had an opportunity of taking one single step towards conciliation—before the Assembly has had an opportunity of meeting again to consider whether they are imperatively called upon still to persevere in the course they have taken—or whether they can chalk out for themselves some mode of conciliation which might induce the Governor somewhat to relent. It is impossible, Sir, that this bill can pass in the present state

* It is believed, that, saving principle and precedent, they would be disposed to act up to the full spirit of their loyal and confiding motto, which may also afford a hint to the mother-country:

"Illos fovet, hos curat, servatque Britannia mater."

of things, without an opportunity being afforded for conciliation on the one side and the other; and to that one point I beg leave to bring the close of my address Sir, on behalf of my clients, who are eager and anxious for the prosperity of Jamaica; all their earliest affections having been formed there—all their earliest attachments taking root from that place—and their warmest associations reverting to it; they themselves having participated in the government of the island;—knowing the feelings of the people—having the essential ties, both of personal feeling and personal interest to connect them with the island—and, therefore, most alive to its welfare:—not deficient, nevertheless, I trust, in that patriotism which would make them, if it were necessary, overlook their private interests and part with every feeling of a private nature for the general public good, they do from this bar earnestly implore the House that they will not take so desperate a course as to destroy the ancient constitution of that island, without a crime imputed, a default established, or a necessity proved:—but that, at least, some effort will be made to stop this violent proceeding, and, if possible, to prevent those dangerous animosities which a course of this kind is too likely, if they do not exist, to generate; if they do exist, to exasperate.

Sir, I am happy to say, that from all the communication I have had with those individuals who instruct me, this language which I have read from the resolutions of their meeting, is not the language of misrepresentation, nor is it wanting in substantial proof. That proof is, that at this moment in Jamaica the effect of emancipation is all that I believe the most sanguine ever anticipated, or the most devoted admirer of emancipation could wish. There was, heretofore, a great difficulty in those colonies; there are persons who were unfortunately regarded differently from others on account of their different outward appearance. These circumstances had a tendency to produce different shades in society; that the difficulty had existed for a great length of time, but wisdom—the humanity—the noble spirit—the splendid generosity of this country—has in effect put an end to these disparaging dif-

ferences:—and what is the consequence to be desired?—That an amalgamation of the different classes of society should take place, and that those shades and distinctions should be overlooked. My clients have informed the public that such a change is going on. As far as I can learn, it is proceeding gradually, but surely; and if not interrupted, will speedily increase in its progress; perhaps aided by nothing more than by religion, which, as in other parts of the world, so more especially in the colonies, has shown its controlling influence over the passions of mankind. From the best authority in the island, on such a subject, I learn that such has been the effect most strikingly in Jamaica.

Already, also, men of colour in that island are engaged in the learned professions—are members of the Assembly—occupy responsible stations as magistrates and other officers;—and, I believe, those most immediately connected with the island will say, that the public there are much indebted to the zeal, the intelligence, the integrity, and to the general conduct and example of the men of that description. I therefore say, that at this moment to do any thing which would have a tendency to mar the great work which is now going on—any thing which would have a tendency to exasperate the people in that island—would be a most awful, as well as a most dangerous, experiment. Sir, we must look back a little into our own history to see what has been the consequence of trifling with our colonies. It is monstrous to trifle with a colony in this new state of infant freedom, in which you have placed Jamaica and the other islands. For heaven's sake, encourage a spirit of peace and conciliation among them; do not send to them any measures which will have a tendency to exasperate, to disunite, and cause any breach of the bonds of society in that country, just emerging from slavery,—any thing which would destroy the happy union commencing amongst themselves; and above all, I do implore this House of Commons to pause, and take care, before they set to the world so dangerous an example as destroying the popular constitution of a country upon such reasons as are suggested in the preamble of this bill.

MR. BURGE, AT THE BAR OF THE HOUSE OF COMMONS,
JUNE 7, 1839.

MR. SPEAKER,

SIR,—I have asked, and from the justice of the House I have obtained, permission to appear at your Bar, as the agent of Jamaica, for the purpose of defending the people of that Colony against the renewed attempt of her Majesty's Government, by the Bill which is now before the House, to subvert that Constitution, to which they are entitled as British subjects, and which they have enjoyed from the first settlement of Jamaica.

Sir, I appear here, because the people of Jamaica are unrepresented in this House, and have no means by which they can assert their rights, and seek protection against the violation of those rights, except by that weak and powerless organ who now has the honour of addressing you. In that respect, they are destitute of the privilege which is enjoyed by the humblest hamlet in the United Kingdom.

Sir, I have no distrust of the desire of this honourable House to afford ample justice, and to extend adequate protection to the people of Jamaica, and I feel confident, that their peculiar situation will increase that desire, and induce the House to pardon my imperfections. But, Sir, I have supposed that, when this House is called upon to legislate for Jamaica by making most serious innovations on the established Constitution of a distant Colony, there might be subjects upon which the House might require information, in order to enable it to afford the justice and protection which it was anxious to render. I was the more disposed to entertain this supposition, because it is impossible to look at this Bill, its preamble and enactments, without plainly perceiving that such information is not possessed by those from whom, as having the superintending administration of our Colonies, it might be expected. I have thought, Sir, with the greatest respect and deference to this honourable House, that I might be an humble instrument in imparting to you some information upon those subjects, with which I may, perhaps, be supposed to be familiar; having had an intercourse of at least thirty years with the Colony; twenty of those years having been passed in the Colony, and at least twelve of those twenty in the execution of a high legal office under the Crown, which imposed on me

the duty, and afforded me the means of acquiring the experience which I would endeavour to render useful to the House in its deliberation on this measure.

Sir, before I proceed further, I cannot but recur to the recent occasion, when I had the honour of appearing at this bar. I then received such a portion of patient attention from the House, as not only to impress me with a deep sense of gratitude, but to impose upon me the obligation of not again trespassing at the same length on your indulgence, but of anxiously abstaining from every topic which was not essential for the just consideration of the merits of this measure, or which had been rendered unnecessary by the discussion which took place upon the former Bill, and by its subsequent abandonment.

Sir, it is now no longer necessary for me to show to this honourable House, that the people of Jamaica, as British subjects, possess, and have possessed, from the first settlement of the Colony, a Constitution based upon the law and principles of the British Constitution; because when such an expression of the sense of the House was given upon the former Bill, as compelled her Majesty's Government to abandon it, the House decided that the people of Jamaica possessed that Constitution; the House recognized its existence—it did more; it decided that that Constitution should be preserved—I need not tell you that the most valuable part of that Constitution, on which the people of Jamaica rely for the protection of their liberties and property, is the popular branch of it, the House of Assembly; because the House, by its decision on the former Bill, not only recognized the existence of the Assembly, but decided that it should be preserved.

Sir, I need not defend the House of Assembly against the allegations contained in the preamble of the abandoned Bill, which were urged as constituting a sufficient ground for suspending the Constitution of Jamaica, and for transferring the functions of the Assembly to another body, because this House has decided that, those allegations, whether well founded or not, did not justify such a measure.

But, Sir, these are not the only legitimate and necessary inferences, from the abandonment of the former Bill. When this honourable House decided, that the

Constitution of Jamaica should be preserved, the House directed that it should be preserved in reality, and not in name. When it decided that the Assembly should be retained, it declared, that its substance, and not its shadow, should be retained. It decided, that the Assembly should retain its rights and privileges; that the people of Jamaica should still have the protection of a representative form of Government. This House would disdain, after the abandonment of the former Bill, to leave the people of Jamaica in possession of their Constitution, and yet adopt measures which should maim and mutilate it, by destroying the freedom and independence of the popular branch of the Legislature, and depriving that branch of those privileges which are peculiarly and exclusively the privileges of a popular body, I mean the peculiar and exclusive privileges of imposing taxes, and of dictating the manner in which the proceeds of those taxes are to be appropriated. In one word, this House having refused, by open avowal and direct means, to destroy the Constitution of Jamaica, will not allow that object to be effected covertly and indirectly. And yet, Sir, that object will be thus effected by this Bill. This Bill is a fraud upon the decision of the House. It is a fraud upon the principles which induced the House to pronounce that decision. It is a fraud upon the country, which recognised the wisdom and justice of that decision. It is a fraud, as well as gross injustice and oppression, towards the people of Jamaica.

Sir, the decision of the House might have conveyed to her Majesty's Ministers another admonition, besides that which caused them to abandon the Bill. It might, and it ought to have conveyed to them the admonition, that the course which they should adopt towards the people and Assembly of Jamaica was that of conciliation. There never was an occasion when so many powerful motives concurred to induce the Government to adopt it. They had, by the introduction of this Bill, exhibited a disposition hostile to the people of Jamaica. They had, therefore, to carry on the future Government of Jamaica, with an impression which the knowledge of that disposition would excite. They would endeavour to alloy it, and acquire the confidence of the Assembly, by frankly abandoning the principle and policy in which that bill originated. By adopting that course, they would have complied with the wishes and opinions of the great body of

persons who are interested in Jamaica—residing in this country. These wishes and opinions had been expressed immediately after, as they had been before the abandonment of the former bill. At a public meeting of the planters, merchants, and others interested in Jamaica, on the 10th of May last, these Resolutions were adopted:—

"1. That this Meeting, anxious to protect the rights of the emancipated population of Jamaica, no less than those of the other classes of the community, disapprove of the late Bill, which would have deprived the emancipated population of those elective franchises, which, from the small value of the qualification, and the facility of its acquisition, might be, and are, so completely within their reach. And they also disapprove of that Bill, because, (among other things), it would inevitably have excited the distrust of the emancipated population towards the other classes of the community, by the disparagement and degradation to which it would have subjected those classes, and thus obstruct the beneficial working, and endanger the successful issue, of the great measure of emancipation.

"2. That this Meeting feel very anxious that the legislation of Jamaica should be guided by that spirit which will best secure the successful issue of the great measure of Emancipation, best maintain the principle, that all the people of Jamaica are free inhabitants of a free country, and equally entitled to enjoy every benefit of the British Constitution, and thus most effectually realise the reasonable expectations of the people of this country.

"3. That this Meeting declare their confident belief, that the desire to avoid every act of oppression towards the emancipated population, and to preclude every step which might create a distinction to their prejudice, is entertained by, and will influence, the Assembly and inhabitants of Jamaica.

"4. That this Meeting will cordially and earnestly co-operate in promoting and encouraging, amongst their fellow-colonists in Jamaica, the foregoing principles, and in cultivating amongst them those feelings of confidence and conciliation, which best maintain the relation between a Colony and the parent state, and can alone insure the mutual prosperity and happiness of both countries."

Sir, the Government would have protected itself from the further imputation of attempting by this Bill to make the Assembly the instrument of effecting that which the former Bill professed to do itself by its authority. The Government would not have subjected itself to the reproach of introducing a bill which would necessarily place the Assembly in a position which must bring on a crisis that would enable them to come to this House and say, that

the Assembly had refused to resume its legislative functions, and that Parliament is now justified in suspending their functions and transferring them to another authority. Sir, it appears to me that every consideration affecting the character and motives of her Majesty's Ministers, and I am sure every consideration for the welfare and prosperity of the Colony would have suggested, that after the abandonment of the former Bill, the course to be pursued was, not the introduction of this Bill, but a communication on the part of the executive to the Assembly.

Sir, I have stated, and I will now satisfy the House, that this Bill is a renewed attempt by her Majesty's Ministers to suspend the Constitution of Jamaica, and that in its effect and intended effect, it cannot be distinguished from the former Bill.

Sir, the first clause of this Bill, gives on the 1st of October, 1839, power to the Governor with the advice and consent of the Council to make ordinances on the subjects, of the three Orders in Council, made for the Crown Colonies—namely, contracts for hired services, in agriculture, and manufactures, the prevention of vagrancy, and the prevention of the illegal occupation of lands, if there are not at that time Acts passed by the Governor, Council, and Assembly upon those subjects. Now, Sir, what is the obvious and necessary effect of that enactment? Here is a Legislature composed of three branches, each with a deliberative voice in the passing of laws; a Governor, a Council, and an Assembly. Each of two of those branches—namely, the Governor and Council is armed with a power of putting an end to the legislation of the third, the Assembly, and of acquiring that legislation exclusively to themselves. A Bill is introduced, for instance, into the House of Assembly, it passes the various stages of that House, and is sent to the Council; the Council may rightly or wrongly withhold their concurrence in that Bill. They may move that it should be read a second time that day six months. It lies upon the Table of the Council. When the 1st of October, 1839, arrives, there is no Act passed by the Governor, Council, and Assembly relative to the subject to which the Bill sent to the Council relates, and then arises the right of the Governor with the advice and consent of the Council, to legislate upon that subject, to the exclusion of the Assembly.

Now, I will suppose another case. The Assembly pass a Bill and send it to the

Council, the Council consider an amendment to that Bill desirable, they make the amendment, they send it to the Assembly, the Assembly disagree to that amendment. Sir, in the exercise of their judgment and discretion, the Assembly may consider that amendment not wholesome nor proper; it is returned to the Council, the Council do not recede from that amendment,—what is the consequence? The Bill remains upon the Table of the Council, and upon the 1st of October, 1839, there does not exist an Act passed by the Governor, Council, and Assembly, upon that particular subject, and then arises the right of the Governor, with the advice of the Council to pass a law upon that subject.

But, let it be supposed the Council concur with the Assembly in the Bill, but that the Governor is pleased to withhold his assent, because the Bill has not a particular clause in it, the Governor exercises this power, under instructions received from hence—which I take leave to say from no inconsiderable experience of those transmitted from the Colonial-office, are not always characterized by the greatest wisdom or propriety or fitness to the circumstances of the Colony. In this case the Governor, although the Assembly and Council, persons intimately conversant with all the local circumstances of the Colony, may be of opinion that such clauses in the Bill are inapplicable, is controlled by those instructions, and in conformity with them, withholds his assent to the Bill. Here, then, the Governor, or rather the Colonial-Minister, by the instructions he transmits to the Governor, has it in his power to create the very occasion in which the Governor, with the advice and consent of the Council, is to possess the right of legislating upon that subject to the exclusion of the Assembly.

Now, Sir, what is the necessary effect of this? Why, in the one case which I have put of the Council making an Amendment to the Bill, in which the Assembly do not concur, the Assembly must surrender its own will and judgment and accede to the Amendment of the Council although they totally disapprove of that Amendment. What, then, is the situation of the Legislature, each of the three branches of which ought to exercise a free will and unconstrained deliberation? The Assembly ceases to have any will or deliberation: it must conform itself to the pleasure of the Council. The Assembly exists no longer, and has no right to legislate

upon the subject. It is not the popular branch of the Legislature in the enjoyment of its free and independent exercise of legislation which is left by this Bill, but on the contrary, this Bill, though not in terms yet in effect, makes the Assembly of Jamaica conform its legislation to the will of the Council or Governor; and thus the Governor and Council are the only branches of the Legislature left in the exercise of their will and judgment in the legislation which takes place. The Assembly is compelled to surrender its own will and its own judgment to the will and judgment of the Council or of the Governor, in order that they may preserve the existence of their right of legislation. Can you call this the abandonment of the former Bill, the abandonment of the attempt to subvert the constitution of Jamaica, by suspending the functions of the Assembly? It is a mockery and insult to tell the Assembly they may exercise their functions, when at the same time, you tell them that they are to be exercised in obedience to the dictates of others, and at the peril of being deprived of the exercise of them if the Assembly follows its own judgment, rather than yield to the will and judgment of a third party.

Sir, in the other case which I have put, what is the course which the Assembly must adopt although they may be secure of the concurrence of the Council for the purpose of protecting themselves against the disallowance of the Bill by the Governor? They must previously ascertain what is his opinion of the Bill; and what are the enactments to which the Governor is instructed to give his consent, and they must make their enactments conformable to his instructions. Here, then, you have the House of Assembly not exercising its own deliberation, not exercising its free will in the adoption or rejection of any measure of legislation; but exercising it only according to the instructions which they find the Governor has received.

Sir, I ask, does the Assembly, under this Bill, retain that which it was intended, the Assembly should retain, namely, its rights and privileges as a free and deliberative body. Sir, quite the contrary; the Assembly, upon this occasion, is not, as in the ordinary case in which a Bill must obtain the consent of the other branches of the Legislature, in a situation in which they can meet each other by the introduction of another Bill, but the penalty for not conforming to the will of the Council or Governor is, that upon this subject they are no longer per-

mitted to have the right of legislation, but that legislation is to be transferred to the Governor, with the advice of the Council. It is the creation, in fact, in this great Colony which has enjoyed a Constitution from its first settlement of that species of Government which exists in the Crown Colonies, legislation by the Governor in Council, or rather legislation dictated by the Colonial Secretary in Downing-street.

Sir, with a degree of speciousness intended to excite a belief that the Government was desirous of respecting that Parliamentary pledge which was given 18th of George the 3rd, chapter 12, there is a direction that the Governor with the advice of the Council shall not, by any law or ordinance which they make, impose any rate, tax, or duty, excepting merely such penalty as may be imposed to enforce the observance or punish the non-observance of any infraction of that ordinance. Now, Sir, this recognition of the obligatory force of the 18th of George the 3rd, chapter 12, takes place in a clause where it is of no use at all, in order to disguise the total disregard of it in the clause which immediately follows. In the enactment of these ordinances founded on the order in Council, no possible occasion could arise for the levying of taxes or for raising a revenue—it is only in the subsequent clause that the Act of the 18th of George the 3rd, chapter 12, could apply; where, as I shall presently shew the House, a power is granted to the Governor of exercising legislation for the purpose of enforcing the imposition of duties, and the application of the proceeds of those duties.

Sir, the effect of the first of those clauses is to allow the Assembly to retain its existence in name and as a shadow, but by depriving it of the power of free and voluntary deliberation to destroy it, substantially and in reality.

Sir, the second clause would produce the same effect; but it is open to other objections. It gives a power to the Governor with the advice of the Council to revive and continue in force, or re-enact all or any of the laws of the Island, which have expired since the 30th of October, 1838, if they have not since been revived or continued in force or re-enacted by the Governor, Council, and Assembly. To enable the House to judge of the full effect of this provision, I should apprise you, that the temporary laws which may be re-enacted are of two descriptions, the one imposing taxes, the other not imposing taxes. About

seven of these Acts are Acts imposing taxes, and which are passed annually. The observations which I have addressed to the House on the subject of the first clause, are equally applicable to the second. It deprives the Assembly of the right of determining upon the expediency or inexpediency of reviving or re-enacting any temporary Act which has expired. The Assembly may exercise the soundest discretion in abstaining from the re-enactment of a particular Act, or in re-enacting only a part of it, still the Governor will have the power to re-enact it. Here, again, then, the Assembly must act not on its own judgment, but on that of the Governor, with the advice of the Council.

This honourable House is not perhaps aware, that the Council in whom will be thus vested a power of controlling the Assembly in originating the revival of these Acts, has not originated any Bill during the last sixty or seventy years, with the exception of an attempt made at the close of the Marquess of Normanby's administration of the Government of Jamaica, and which was resisted by the Assembly. I believe there is no instance in the history of Jamaica, of a Bill introduced by the Council, and sent to the Assembly, having received the assent of the Assembly. I do not enquire how it happened, that the Council should not have possessed, or if it possessed, should not have exercised this right, but I state the usage that it has not been exercised. Now this Bill will introduce a fundamental change in the usage and Constitution of Jamaica. The House of Assembly with whom the Bill reviving an expired Act, would, according to its long established practice, originate, may not deem it expedient to revive it. The Governor who never had the power of originating any Act at all, and the Council who, if they ever possessed the power, never exercised it, except to the limited extent I have mentioned, would have the power of reviving it, and the Assembly could only prevent the exercise of that power by reviving it in compliance with the opinion of the Governor or Council, and in direct opposition to its own opinion.

Sir, I know not in what way it is intended that some of these laws should be to re-enact such of the expired laws. According to the language of the 2nd clause, they must be re-enacted in the state in which they were left on the 30th of October 1838. I will take as a specimen of this Legislation, the Process Act—to which

reference has been made, as if it were a law of paramount importance. It was originally passed in 1824, for a certain number of years and it has since been revived by annual Acts. The original Process Act contains two clauses; one prescribing the manner in which levies of Slaves were to be made and advertised, and the other prohibiting the purchase of any slaves by the Marshal who executes the writ, under which they were levied on and sold. The Governor under the power given him by the Act, will revive these two enactments which are now wholly inappropriate.

Sir, I mention this instance because it strongly illustrates the peculiar impropriety of that kind of legislation, which calls on the House to transfer to the Governor the power of re-enacting laws with the details of which this House is wholly unacquainted, and upon the expediency of giving this power it possesses, no means of judging. But Sir, this observation is still more just, if the expired Act be a tax Act, which embodies and enacts, as is the case with many of the Acts, the appropriation of the proceeds of the taxes. For example, you will find in the body of these Acts, this clause. "Be it hereby enacted and declared, that the Receiver General shall, out of the monies to arise under this Act pay to A. B. the sum of &c," followed by a similar enactment, in respect of other persons to whom payments are to be made. Now the re-enactment of this law is not merely the re-enactment of the taxes imposed by that Act, but of the appropriations which it had made—and it would then enact a payment of a sum of money out of the proceeds of the taxes imposed by the revived Act, although payment of that demand had already been made under the authority of the expired law. The ignorance and absurdity which this clause exhibits, are nothing compared with the daring violation of the great Parliamentary Charter of the 18th of George the 3rd Chapter 12. By that statute the King and Parliament of Great Britain, renounce the right of imposing taxes or burdens upon the people of the Colony. But by this clause they confer on the Governor this very right which had been renounced; for he is empowered to re-enact or revive Acts imposing taxes—in other words, authorised to impose taxes upon the people of Jamaica.

Sir, the House by pronouncing that decision on the former Bill, which compelled her Majesty's Ministers to abandon it, determined that the Constitution

of Jamaica should be retained. It determined, that the most essential part of that Constitution, the exclusive right of the Assembly to originate all Bills imposing taxes on the people of Jamaica, and to appropriate the proceeds of those taxes should also be retained. But, Sir, if this clause of the Bill be passed, this the most valuable part of the Constitution is sacrificed, and the abandonment of the former Bill is a mockery.

Sir, if the Assembly should be of opinion that one of the Tax Acts which expired since October, 1838, ought either to be wholly discontinued, or the amount of the tax it imposed reduced, although the revenue which that Act would have produced, has been supplied by the Assembly from other sources, or by means of other taxes, it would be competent for the Governor to re-enact the expired Act, and thus actually impose a tax on the people of Jamaica, of his own authority, and against the consent of their Representatives in Assembly. Sir, under this Bill the people of Jamaica, are put out of the pale of the British Constitution, they are deprived of the most valuable right it confers, that of holding their property in security, because it cannot be taken from them without the consent of themselves or their Representatives.

Sir, it is a mockery, it is an insult, on one's understanding, to discuss this measure as giving to the Assembly a *locus pœnitentiæ*, as adopting a spirit of conciliation towards that Body, or the people of Jamaica.

Thus, Sir, in defiance of the sense which the House expressed on the former Bill, in contradiction of the principles which were necessarily professed by her Majesty's Ministers, in abandoning that Bill, they propose by the present Bill to destroy the popular branch of the free Constitution of Jamaica and to reduce that Colony to the condition of a conquered Crown colony.

The Assembly is not to retain its exclusive right of originating all grants of money, and all taxes. The burthens to which the people of Jamaica will be subject are to be imposed on them, not with their own consent, or that of their Representatives in Assembly, but by the sole arbitrary will of their Governor, and the money thus extorted from them appropriated at his discretion.

Sir, this Enactment in the Bill now before the House, is utterly incompatible with the principles of the British Constitu-

tion; and it is a gross violation of the Parliamentary Charter of the 18th Geo. 3rd, c. 12. Sir, it is in fact a repeal of that statute, although the Government have not the hardihood to propose its repeal in express terms.

Sir, from the moment this Bill passes, if ever it could pass into a law, the public revenue of the Colony, the amount to be raised, and the manner in which it is to be raised, and the purposes to which it is to be applied, are withdrawn from their Legitimate Constitutional Guardians, the Representatives of the People, and placed under the control of the Governor. So great an inroad on the Constitution, so gross an injury on the people of Jamaica, I am persuaded, the House will not sanction.

Sir, I observe, that the second Clause, contains a proviso, that these revived laws, are not to be continued beyond the 31st of December, 1840, that is, the Governor is not to be intrusted with despotic power beyond the 31st of December, 1840. What is to be the legislation for Jamaica, or its form of Government after that period, we have not been told. If this Bill passed into a Law, do you suppose, that a man of character would be found to undertake the onerous trust of a Representative in Assembly, that Assembly holding out no inducement of patronage, or of personal interest, and into which Assembly no man enters from any other motive than that of rendering a service to the Colony—service which he cannot render without making many sacrifices.

Sir, there has been no calumny, numerous and atrocious and false as the calumnies have been against the Assembly, so gross as to suppose, that there is one of its Members, who would degrade himself by becoming the instrument of such a Legislative Body as this Bill would create.

Sir, the former Bill, with its avowed purpose of suspending the functions of the Assembly of Jamaica, was reprobated and resisted by the great body of persons who had an interest in the Colony, and who considered, that its obvious and necessary tendency was to degrade the Assembly, and to excite in the larger portion of the population a feeling of distrust towards those persons and towards the persons of whom the Assembly have been composed.

Sir, is there any one who can doubt, the Petitions which have been laid upon your Table must prevent this House from doubting, that the present Bill is equally reprobated, and that its effects will be the

same in degradation and injury, as those which would have been produced by the former Bill.

Sir, I am desirous before I consider the grounds upon which this renewed attack is made upon the Constitution of Jamaica, so far as those grounds are to be collected from the Preamble of the Bill, of presenting to the attention of the House, the nature of those expired Acts which imposed taxes. I wish the House to be apprised, from the nature of the revenue which is raised in Jamaica, that there is, in the public Treasury of the Colony, at this moment, a Revenue adequate to defray the expences of the Civil Government, and, therefore, this unconstitutional interposition of Parliament, is not required on that account.

Sir, amongst the Acts which are represented as having expired, and which the Governor would have the power of reviving, is one described the Tonnage Act. Now, the Tonnage Act, which produces an annual Revenue of 22,000*l.* does not expire until 1843. The Act which has expired, is the Tonnage and Gunpowder Duty Act, which produces only the sum of 2,657*l.* But even this sum still remains payable because it will now be collected under an Act called the Permanent Revenue Act, the 1st Geo. 2nd, c. 1.

Now, Sir, the House is called upon by one of the allegations in the preamble, to believe that those expired laws imposing taxes are required to be revived without delay. I suppose, it was intended to represent to the House, that the Government might be obstructed, and the payment of the salaries of civil officers not provided for, in consequence of the supplies not having been raised.

Sir, if that allegation were true, I have a satisfactory answer. It was not by the default of the Assembly, that those supplies were not raised—the Assembly offered to raise them—they would not make the question regarding their right of internal legislation, an excuse for their refusal of the supplies—they would not allow it to interfere with their desire to raise those supplies. That the supplies were not raised, is through the default, not of the Assembly, but of the Governor, who, instead of allowing the Assembly to proceed to raise them, refused to accept them, and kept the House of Assembly under prorogation.

But the allegation that it is necessary to revive these expired Money Acts, in order to provide for the expenses of the Civil

Government, is not true. I take leave to state it to the House as a fact, which cannot be controverted, that the salaries of the Governor, the Chief Justice, and Assistant Judges, the stipends of the Rectors and Curates of the island, and the salaries of the Custom-house Officers, and of every other servant of the public, are not dependant upon the existence or revival of the taxes raised under the expired Acts. The Acts under which these different functionaries derive their appointments, established their salaries, and provided for the payment of those salaries out of any monies in the Treasury of the island. There is no specific appropriation of the proceeds of particular taxes for the payment of those salaries. I proceed to shew to the House, the sources from which the Treasury derives the money from which these salaries are paid. By the Act of the 1st Geo. 2, c. 1, a permanent revenue of 8,000*l.* per annum, and subsequently increased to 10,000*l.*, was settled upon the Crown. By that Act, duties were imposed on certain articles, in order to raise that revenue; and the proceeds arising from those duties, were appropriated to the payment of specified purposes. In consequence of the increase of trade and other causes, the actual proceeds of those duties exceed the permanent revenue by the sum of 18,000*l.* This surplus of 18,000*l.* per annum, becomes a fund in the Treasury, applicable to the public service. To this must be added, the original sum of 10,000*l.*, which is appropriated to the payment of part of the Governor's salary, to the maintenance of forts, to the salaries of the Attorney-general and other officers. To this sum of 28,000*l.*, must be added the sum of 20,000*l.*, collected under the Stamp Act, which is not expired, and the Tonnage Duty of 25,000*l.*, which does not expire till the year 1843. I have already mentioned sums amounting to 73,000*l.* applicable to the public service. Again, there are taxes which, although imposed in December, 1837, did not become payable until the close of the year 1838. The Receiver-general was in possession, during this year of the proceeds of the taxes imposed under the expired Act.

But, Sir, I have not yet enumerated all the other sources of revenue which are perfectly independent of these temporary Acts. The duty on foreign goods produces about 66,210*l.* The House is aware, that the Act of the Imperial Parliament passed in the 3rd and 4th of the late King's reign,

imposes all those duties; but at the same time, leaves it to the Legislative Assemblies of the different Colonies, to impose those duties by their own acts. Now the Act of the Jamaica Legislature which imposed them having expired, they have been, and will continue to be, collected under the authority of the British Statute, to which I have referred. That statute directs, that the proceeds shall be paid over to the Receiver-general for the use of the Colony. In his hands they become applicable to all such purposes as are authorised by acts of the Governor, Council, and Assembly; and, consequently, as I have shewn, to the payments which they direct, of all those salaries, stipends, and other contingencies of the Civil Government. To these sources of revenue must be added, the Act imposing a duty on exports and imports, which does not expire until 1839, and which produces upwards of 60,000*l.* In fact, there are funds amounting to more than 200,000*l.* sufficient, much more than sufficient, to provide for all the existing charges of the Civil Government. It cannot, therefore, be said, that the want of adequate supplies to defray the expenses of the Civil Government of the Colony, renders this Bill necessary.

Sir, as to the other Laws, not being laws imposing taxes, the revival of which is to be committed to the Governor, there is not one of those laws of which it can be said, that injury has been, or can be, sustained by any delay in reviving it. Take, for instance, the Laws appointing Commissioners of Forts and Fortifications, and Public Works, and Public Accounts, all of these being, to a certain extent, Money Bills, must originate with the Assembly, and which the Assembly, therefore, would re-enact. No public works which the Assembly had authorised, have been delayed by those Acts having expired. The contracts which had been entered into under the previous Law, and which are either performed, or in progress, continue valid; and the application of the monies in the Receiver-general's hands for the payment of the works, has been already provided for by the previous Act. But then, it is said, there are other laws of such a nature, that their revival is of more urgent necessity and the Process Law has been mentioned as an example. But is it really intended to be represented, that it is necessary to revive this Act without delay? Let any one look at its provisions. It will be found, for instance, that it directs the returns of the lists of those who are to serve

on juries, and from those lists the panels are to be made; but the panels thus made, continue in operation long after the Act itself has expired. The Courts of Justice have not been in the slightest degree obstructed or delayed by the expiration of this Act. They have been, and still are sitting, and the Provost Marshal will continue to return Juries under the control and superintendence of the Supreme Court as beneficially to the suitors, the jurors and the public, as if this Act were still in operation.

Sir, I have concluded my observations on the character and description of those temporary expired laws. I trust I have satisfied the House that the power given by this Bill to the Governor of re-enacting them, is no less than the power of enacting the ordinances under the first clause, subversive of the Constitution of Jamaica, because it deprives the Assembly of its freedom and independence of deliberation, subjects the people of the Colony to taxation without their own consent or that of their representatives, but at the will and discretion of the Governor.

Now, Sir, what is the pretext upon which this attack is made on the Constitution of Jamaica. Sir, I look to the Preamble of this Bill to discover it. The first statement in this Preamble, is a representation "that the House of General Assembly on the 30th of October, 1838, stated, that for the reasons therein set forth, they had come to the determination to abstain from the exercise of any legislative functions, except such as might be necessary to preserve inviolate, the faith of the Island with the public creditor." It is singular that Her Majesty's Ministers cannot, or will not, state accurately even the dates of these proceedings. This Bill has the same inaccuracy as the former Bill, in the statement of the day on which the address of the Assembly was delivered. It was on the 2nd of November, and not on the 30th of October, that the Assembly made their address to the Governor. But that is the least important of the inaccuracies. "The determination of the Assembly to abstain from the exercise of any legislative functions, except such as might be necessary to preserve inviolate, the faith of the island with the public creditor," was not as the Preamble represents it, absolute and unconditional, and unqualified; but there was this qualification or condition annexed to it, namely, "until they should be left to the free exercise of their inherent

rights as British subjects." The language of the Assembly is this:—"The House would have been ready now, as they ever have been, to give their consideration to every matter submitted to them for promoting the public welfare of the Colony; but having taken into their mature consideration the aggressions which the British Parliament continue to make on the rights of the people of this Colony, and the confusion and mischief which must result from the present anomalous system of Government, they have come to the determination that they will best consult their own honour, the rights of their constituents, and the peace and well-being of the Colony, by abstaining from the exercise of any legislative functions, except such as may be necessary to preserve, inviolate, the faith of the island with the public creditor, *until they shall be left to the free exercise of their inherent rights as British subjects.*" And their Resolution is—That they abstain "from the exercise of any legislative functions, excepting such as may be necessary to preserve, inviolate, the faith of the island with the public creditor, *until her most gracious Majesty's pleasure shall be made known, whether her subjects of Jamaica, now happily all in a state of freedom, are henceforth to be treated as subjects, with the power of making laws, as hitherto, for their own Government, or whether they are to be treated as a conquered Colony, and governed by Parliamentary Legislation, Orders in Council, or as in the case of the late amended Abolition Act, by investing the Governor of the Island with the arbitrary power of issuing proclamations, having the force of law over the lives and properties of the people.*"

Now, Sir, the determination of the Assembly is not a determination to abstain altogether from the exercise of those legislative functions, but to abstain until they have received an answer to their appeal to her Majesty. No answer has, to this hour, been given to that appeal. Why has it not been given? the answer, on the part of the Government, is, because the Assembly was under prorogation. But by whose Act was the Assembly placed and continued under prorogation? By the Act of the representative of the Government, under the authority and by the instructions of that Government. The Government, therefore, cannot complain of the non-session of the Assembly at the present moment, still less, can they make it a pretext for introducing this measure.

But, Sir, the colony has a right to complain, that the appeal from the mal-administration of the Government to her Majesty herself, should remain unanswered; that they are still permitted to remain in ignorance, whether they are to retain their present Constitution, or what is the future form of Government they are to enjoy, and that no one step has been taken on the part of her Majesty's Ministers to remove any erroneous impression which the Assembly had entertained of their future designs. Sir, if they had consulted the real welfare of the Colony, and discharged their duty as public servants, they would, after they had been apprized, on the 10th of December, of the appeal made by the Assembly, have instructed the Governor, by the succeeding packet, to have convened the Assembly, and to have furnished him with such a communication to be made to that Body as might, without compromising the supremacy of Parliament, or the authority of the Government, have assured them there was no design to invade or impair their Constitution. If that course had been pursued, the Assembly would, long ere this, have concluded its legislation for the session, and this House would have been spared the discussion of a measure which exhibits her Majesty's Government engaged in a contest with a valuable Colony; struggling to deprive that Colony of her Constitution, and exhibiting towards her inhabitants feelings of the most bitter hostility.

Sir, I have already disposed of that part of the preamble of this Bill, which alleges, that, in consequence of this determination of the Assembly, temporary laws had been suffered to expire, some of which ought, without delay, to be re-enacted or revived. I have endeavoured to shew how totally unfounded is such a pretext. I therefore pass to the other allegation, that new laws are required for the altered state of society. The preamble states, that in consequence of the total abolition of slavery, certain Orders in Council for the regulation, within the colonies of British Guiana, Trinidad, St. Lucia, and Mauritius, of contracts for hired service in agriculture or manufactures, for the prevention of vagrancy, and for the prevention of the illegal occupation of lands within the said Colonies, were passed, and laws to a similar effect are urgently required within the said Island of Jamaica.—Sir, it is said that the enactment of these Orders in Council is urgently required for two purposes, the one of repealing existing laws oppressive or not adapted

to the present state of society, and the other, of substituting suitable laws.

Sir, it has been alleged that the enactment of a Vagrant Law is most urgently required, in order that it may repeal a very harsh and oppressive law, passed so long ago as the reign of Charles the 2nd. It is supposed that this Act of the 35th Charles the 2nd, chap. 11, is still in force, and one of its enactments was referred to, with the view of exciting a strong prejudice against the people of Jamaica, and of inducing a suspicion that they were desirous of retaining and enforcing that law. Sir, the attention of the House was directed to a letter of Sir Lionel Smith's, of the 10th of September, 1838, in which he makes this observation:—"Then I beseech your Lordship to look to the provisions of the local Vagrant Act, unrepealed (the 35th of Charles the 2nd, chapter 11). This Act was introduced against the lawless soldiery of Governor D'Oyley, and many violent planters are now rejoicing in the power it gives of flogging free men from parish to parish, and there is an improvement in its penal powers by the 32nd of George the 3rd, chapter 11, still unrepealed, which adds six months hard labour in the House of Correction." Now, this House will be pleased to bear in recollection these anticipations of the Governor, and this representation of the feelings and disposition of the planters respecting this law—because, before I shew that this law has been repealed, I will enable the House to appreciate the degree of credit to which such anticipations and representations are entitled.

The late Secretary for the Colonies transmitted to the Governor a series of questions, to be answered by the stipendiary magistrates. One of those questions was that which I am about to read:—"What convictions have taken place under any and what Vagrant Laws?" In page 197, of the Jamaica Papers, commence the answers given by the stipendiary magistrates to that question, and the answers are, from page to page, "Nil." Thus, whilst you are told, by anticipation, that this law will be rigorously enforced, and the planters were exulting in the prospect of using the *terrific engines which it afforded*, the answers extending from the abolition of the apprenticeship, to the end of December, are, that no one single conviction, no one prosecution had taken place under that law, with the exception of one person in the town of Montego Bay, who was taken up sleeping

in the street at night, and put into the House of Correction there, under the Police Law of that town.

Sir, I hope the House will not forget this unjustifiable imputation by the Governor, and its complete refutation, nor the hostile feeling of that officer towards the people of the Colony, when it is proposed to render the existence of the Assembly dependent on his will and power. Sir, he considers that this Act is unrepealed. If it be his opinion, or if it be the opinion of any other person, I say such an opinion is erroneous. The Act of the 35th Charles the 2nd, chapter 11, is upon certain known and well-established principles of law, virtually repealed by the Act of 1791, the 32nd George the 3rd, chap. 11, and as completely repealed as if the subsequent statute contained an express repeal of it. There are enactments in that affirmative statute of 1791, so inconsistent with those in the Act of the 35th Charles the 2nd, that upon those established principles, which govern the construction of statutes, the subsequent statute has repealed the prior statute. Speaking as I do, in the presence of lawyers, I am persuaded that this proposition of law will not be disputed. It is recognised in the case of *Harcourt v. Fox*, in 1 Shower's Cases, and in the case of *ex-parte Carruthers*, in the 9th volume of East's Reports, page 44, as well in the case of *The King v. Davis*, in Leach's Crown Cases.

I can state, and I am ready to prove the fact at the Bar of this House, that during my experience as Attorney-general of Jamaica, I never knew an instance of any proceeding of any sort or kind, under the statute of Charles the 2nd, and I do not believe there was a single person there who thought such a statute was in force. I never saw, in the Crown Office, a single conviction that had taken place under it, and I do not believe any single conviction has taken place—I say, that no conviction could legally take place after the Act of 1793.

The Act of the 32nd of George 3rd has been referred to as being still in force. It did not occur to Sir Lionel Smith to compare that Act with the English Vagrant Law, the statute of the 17th of George the 2nd, because if he had made the comparison he would have found that the Jamaica Act was framed on the model, and was a copy of the English Act in every other respect but that of retaining the more rigorous punishments which are to be found in the

English Act. When the Jamaica Act, passed in 1791, is presented to us as a specimen of the present state of Legislation in that Colony, it would be no less just than reasonable, to look at the source from whence that Jamaica Act was derived, and to see as would be seen, that its deviations from it were on the side of lenity.

But, Sir, there is a clause in this Act, which as it was calculated to excite a prejudice, was sure to have attention attracted to it. By the 6th clause it was enacted, that all white persons convicted or sent to the Public Workhouse shall be fed, lodged, and worked, separate and apart from the free negroes, mulattoes, and slaves in the said workhouse. Now, the House will be so good as to recollect, that when this Law passed, slavery was in existence; but that clause is repealed by the Jamaica Prison Act, passed in 1834, because that Prison Act in express terms defines the only classifications which are to take place, and those are classifications which have relation to sex, and to the nature of the crime or cause for which the party has been committed. It excludes any classification founded upon colour, and there could be no distinction founded on slavery, because slavery is at an end. I say, then, there is an actual repeal of that 6th clause, because it is utterly impossible to retain that 6th clause, which adopts this particular provision with the enactment in the subsequent Act of 1834, which permits no other separation or classification but that which I have stated.

Now, Sir, I may conclude that the order in Council for the prevention of Vagrancy is not required for the purpose of repeating this old obsolete Act, which had been already repealed. But it is said, that the provisions of the orders in Council for the suppression of Vagrancy, and the prevention of the illegal occupation of land are urgently required. For whose benefit are they required? They impose restraints and are intended for the coercion of the emancipated population. They are required, it is said, for the adequate protection of the interests of the planters. Sir, the planters in Jamaica consider that any probable evil they might suffer from the want of a vagrant law, would be less, infinitely less, than the certain evil which would be inflicted on the colony, and consequently on their interests, if this law were passed. Those persons, therefore, for whose benefit it is professed to pass these laws, not only do not ask you to pass them, but they strenuously

oppose this Bill by which the Government seeks to compel the Assembly to pass them. No provisions they contain, can if they were not only unexceptionable, but practically useful, would compensate for the violation of the constitution of Jamaica. Those parties whom you profess to benefit by the passing of these laws, ask you not to pass them—they are content to endure the evil, be it what it may, from the want of the law rather than the still greater evil which awaits them from the effect of this measure which would shake it to the foundation, and endanger the existence of the constitutional order and good Government of the Colony, and destroy the kind feeling and confidence which they would promote amongst all classes in the colony. They, therefore, deprecate the passing of this Bill. The interposition of this honourable House, can not therefore, be justified upon pretended considerations for their interests.

The same observations are in a certain degree applicable to the third subject of the orders in Council, namely, the contracts for services. The Island Act, the 5th of William the 4th, chapter 8, passed on the 4th July, 1834, has been referred to as affording evidence of the bad spirit which pervades the Legislation towards the emancipated population, and that it was necessary to provide for its immediate repeal. The pretence has no foundation. This Act which has been laid on the Table of the House, it will be observed, enlarges the powers of the 55th of George 3rd, chapter 19, which gave to the servant a summary remedy for the amount of his wages against the personal representations of his employer, who had died, the servant having under the former Act the 9 Geo. 2, c. 9, that remedy only against the employer himself, and it greatly extended the amount which the servant might thus recover. These Acts were all in favour of, and for the benefit of the servant. Now, this Act of the 5th of William the 4th, c. 8, was an extension of the powers conferred by these Acts. It will be recollected, that it was passed with reference, not to the emancipated population, but to that description of servants who had arrived from Europe as emigrants. It has been urged, that the 4th clause gives the power of imprisonment to a single justice. It is really doubtful upon the careful perusal of this clause, whether the safe construction is not, that the power must be exercised by two justices. But, be it admitted, that it may be exercised by one justice. If

that justice in awarding a duration of imprisonment not warranted by the offence although within the time authorised by the Act, Lord Glenelg has said, and justly said, that it is in the power of the Governor, as representing the Crown to remit the excess. But there is one plain and obvious answer to the complaint, that an improper use would be made of this law, that amongst the questions put by the direction of Lord Glenelg, to the different stipendiary magistrates, one of them regards the instances of complaints or of convictions for the non-performance of contracts under this law, and there is scarcely an instance of any such conviction. The answers embrace a period of six months ending in December last. The evidence before the House establishes that there has been no disposition to apply this law to improper purposes. If a case had occurred from whence that disposition might be enforced, there is immediate remedy. The improper exercise of the power derived from this law might be controlled by the interposition of the Governor in remitting the punishment.

But, Sir, it cannot be a subject of complaint against the Assembly that Legislation for the regulation of contracts for servants, for the prevention of vagrancy, or the prevention of the illegal occupation of lands had not taken place before the 1st of August, 1838. It was by the positive direction of her Majesty's Government, under the advice of the Select Committee upon the apprenticeship system in 1836, that Legislation on these and other subjects connected with the state of the emancipated population, when they were no longer apprentices should not take place until near the year 1840, when the statute terminated the apprenticeship. The Committee in their report expressly state that it appeared to them to be most expedient, that such enactments as are intended to come into operation after 1840, should as much as possible be delayed until that period shall arrive; and at all events, be postponed until the time which more immediately precedes it.

The House will recollect, that in consequence of the language addressed in June, 1838, by the Governor to the Assembly, the apprenticeship was terminated by the Assembly on the 1st of August, in that year.

The fact, that there had been no legislation, affords no evidence that there was a disinclination to legislate on these subjects. It is attributable to the opinion and direction

of her Majesty's Government. It cannot, therefore, be alledged as a pretext for anticipating any refusal by the Assembly to legislate on these subjects, and on the ground of that anticipation for passing this Bill. If laws on these subjects are required, as it is said the Assembly admit, there is afforded the ground for presuming that the Assembly will enter on the consideration of them as soon as the Government, by instructing the Governor to convene that body, and meet them in the language and spirit of conciliation, will enable them to resume the exercise of their legislative functions.

Sir, I have purposely abstained from an examination of the particular details of those Orders in Council, whatever may be the objections to them from their inapplicability to the Colony of Jamaica and from their inefficiency in accomplishing the objects they profess. They furnish abundant matter for comment, but I abstain from making it. If they were unexceptionable, the principle of this Bill would still remain, and to that principle my opposition is addressed. But I have another motive for abstaining from the discussion of these details. I will not afford a pretext for supposing that either I, or those for whom I appear, have any desire to retain bad, or exclude good legislation. I disclaim any such desire for them and myself. You have no right to suppose there will be an unwillingness, still less a refusal to legislate upon those subjects, or adopt any practical and judicious suggestions. The Assembly tell you they are subjects upon which they are ready to legislate, in which they have a deep interest, although their interest in that legislation is of subordinate consideration when placed in competition with the maintenance of their independence as a free branch of the Legislature, and with the preservation of their Constitution.

Sir, I trust I have shewn that this bill effects the subversion of the constitution of Jamaica as completely, to all intents and purposes, as the former Bill which her Majesty's Ministers were compelled, by the opinion of this House to abandon. For this outrage on the rights of their fellow subjects, they do not alledge the commission of any crime. They fail to establish even the wretched pretext they urge to excuse, but which, if it had been established, could never excuse the introduction of this Bill. As it is in no respect distinguishable from the former bill, in its unjust and oppressive character, and in its injurious tendency, so neither ought it to be distinguished from the former bill

in its fate. You compelled the Ministers to abandon the former bill, so must you compel them to abandon this bill.

Sir, there is, perhaps, one circumstance which peculiarly distinguishes the present from the former Bill. The present Bill adds insult to the injury it inflicts. It supposes that those who are qualified to be representatives, would form part of a legislative body thus fettered in the exercise of its deliberative powers, that they would submit to be the passive tools and puppets put in motion and directed by the Legislators of the Colonial office—they would submit to constitute a mock assembly, the shadow of that which the Constitution intended they should possess, an Assembly existing in name, but which, in fact, merely existed for the purpose of giving expression, to the will of the Governor, or of the Colonial Secretary. Sir, if this Bill passes, the Assembly will not resume the exercise of its legislative functions, Sir, it is not a rash or hasty conjecture, but it is my firm conviction, that this bill has been framed in such terms, that it has been introduced, and is hoped to be passed, with the intention that it shall induce the Assembly to abandon the exercise of its legislative functions, and to enable the Colonial Secretary and others, to carry into execution their favorite, but most rash and mischievous theory, that the existence of legislative assemblies in the Colonies, is not compatible with the successful working of the emancipation, and that therefore they ought to be abolished.

Sir, that theory is condemned by experience as well as by reason. It says little for the acquisition by the Secretary of experience during his administration of the government of Jamaica that he should maintain it. It is certainly contradicted by the experience of those who have been long resident in the colony, and who are intimately acquainted with the negro character. By some, however, it is maintained for the avowed purpose of protecting, as they suppose, the white and coloured population from the preponderating power of the emancipated population, Sir, since I had the honour of appearing at this bar, I have had opportunities of communicating with gentlemen extensively connected with the Colony, who had arrived from thence. I put to them this question, I said to them, "There are some who favour the suspension of the Assembly of Jamaica from an apprehension that it is necessary to protect the white and coloured population against being overpowered by the emancipated po-

pulation. They are apprehensive that their predominant influence may be injurious to the Colony—would you support this Bill for the purpose of effecting the object of depriving the negro population of their elective franchise?" The answer of each of them was "God forbid that I should—those persons have acquired their freedom, they are entitled to the exercise of their political franchise. I hope they may soon possess the means of acquiring it, it is easily within their reach. I have no fear of the manner in which they will exercise it."

Sir, I hope neither I, the House, nor the public, will ever forget, that the former bill was proposed by her Majesty's Government, and the support of some Jamaica planters and merchants was solicited for it, on the ground that it was for their interest that it should pass, in order that it might exclude the emancipated population from too speedily acquiring a place in the Assembly. Indeed, with so little reserve was that opinion maintained, on the part of the Government, that when the bill was first introduced into this House, those who represented themselves as the friends of the emancipated population, were as strongly opposed to it as any set of men could be, and it was only at a subsequent period that another motive for the bill was assigned, and it was then represented to be a measure for protecting the negro population. But the people of this country were not to be imposed on by this deception. They detected it, and they felt that this bill would, as the Jamaica proprietary, in their resolution honestly and openly avowed, amongst all the other objections to which it was open, have deprived the emancipated population of the privilege of enjoying their elective franchise, and thus would have obstructed their progress in society.

Sir, I have now concluded that which I have to address to the House against this Bill. Every consideration, be it that of justice, or of necessity, or of expediency, is opposed to its further progress. Even without the spirit of hostility in which it has originated, it will involve the ruin of this Colony. The sense which the House may express, may, it is to be hoped, teach her Majesty's Ministers a lesson which the fate of the former Bill has failed to teach them. Fortunate will it be for themselves, no less than for those interested in Jamaica, if it shall enable them to discover, before it is too late, that they cannot carry through this great measure of emancipation, they cannot secure the civilization, the happi-

ness, the welfare, and the prosperity of any classes of the community of this Colony, unless they renounce the spirit of hostility in which this Bill has originated and adopt in its stead, conciliation towards the Assembly and people of Jamaica, and respect for their rights and institutions.

Sir, you never will command from your Colonies respect for the rights and institutions of the parent state, or their respect and attachment for the authority emanating from this country, so long as you evince a total disregard of those institutions which they enjoy, and of the authority with which these institutions invest them. If the fatal policy which has dictated this Bill shall be continued, this splendid Colony is lost, for it will cease to be the abode of civilization, social order, good government, industry or wealth. The island may stand; it may stand alone amidst those convulsions which sometimes sweep away Colonies. It may, by a special dispensation of Providence be spared, that it may remain a sad memorial of what it once was, and to awaken a recollection of the extent of its contribution to the wealth, the power, and splendour of the British empire.

Sir, it may remind future Ministers, that the only principles, the only policy, by which they can retain their Colonies in prosperity and happiness, are those which are founded in conciliation and confidence,

by exhibiting the desolation which has followed the abandonment of those principles, and of that policy. But the desolation of Jamaica will not only bring loss and reproach and disgrace on this country. It will involve the fate of millions, who are still under the yoke of slavery. This Colony will, indeed, be a memorial of the magnanimity of this nation in making a noble sacrifice for the abolition of slavery; but it will also record the mournful fact that this noble sacrifice had been made in vain, that the glorious purposes which were contemplated, and which might have been accomplished, had been defeated by the mistaken, ill-judged, reckless, and mischievous conduct of her Rulers. The fate of Jamaica will prevent other countries, where slavery exists, from undertaking its abolition. It will deter them from imitating the noble example which Great Britain has set before them, by her magnanimity, whilst it should be only a beacon to warn them from imitating the errors and misconduct of her Rulers, to which alone that fate is attributable.

Sir, I will no longer trespass on the attention of the House; I trust the great interests which I feel to be involved in the consideration of this Bill will be regarded as my apology, if I have exceeded the limits which I had prescribed to myself in addressing the House.

MR. BURGE, AT THE BAR OF THE HOUSE OF LORDS,
JUNE 28, 1839.

MY LORDS,

I HAVE the honour of appearing at your Lordships' Bar as the agent of the Legislature of Jamaica to defend that Legislature and the people whom it represents, against the renewed attempt of her Majesty's Ministers, by the Bill now under your Lordships' consideration, to subvert their constitution.

My Lords, I say that this Bill does subvert the Constitution of Jamaica, because it virtually suspends the functions of the Assembly, the popular branch of its Legislature; because, although it professes to leave the Assembly in the nominal exercise of those functions, yet, it renders their exercise utterly incompatible with the existence of that body, as a free and independent branch of the Legislature.

My Lords, it does then subvert the constitution of Jamaica, and it does deprive the people of that Colony of a form of Government which they have enjoyed for nearly two centuries, and to which they consider themselves entitled as British subjects.

My Lords, the punishment which this Bill inflicts on the people of Jamaica, is indeed, a heavy and severe punishment. They must have committed some heinous crime which merited it. The Bill before your Lordships it might be expected, distinctly specifies in its preamble the nature of that crime, and her Majesty's Ministers are prepared to substantiate that crime by full and satisfactory proof. But my Lords, there is no crime charged by the preamble against the people of Jamaica, because no

crime has been committed by them. There is, indeed, a pretext assigned in the preamble as the ground upon which your Lordships are called upon to pass the Bill—but it is a pretext which under any circumstances would not justify the punishment which this Bill inflicts. Still less can it justify this Bill, when that pretext has been created by the conduct of her Majesty's Ministers themselves.

My Lords, the perseverance which her Majesty's Ministers have evinced in determining to supersede the Assembly of Jamaica, I should have been disposed to have attributed to that appetite for change in established institutions which has been the disease of the last few years, but then indeed I found I could not attribute the change which this Bill would effect, to that appetite, because that was an appetite for a change professing to correct existing institutions, because they were supposed to be not sufficiently popular, and in their place to substitute institutions more popular. But the change to be made now is of a totally opposite character, and exhibits indeed an inconsistency, certainly not of so rare occurrence as on that account to excite surprise, whatever other strong feelings it may excite on account of the extent to which that inconsistency is carried.

My Lords, the proposed change would supersede a popular Assembly, and, in its stead, create a new and despotic form of Government. I know not, therefore, to what cause it is to be attributed, unless indeed I am to suppose that either Her Majesty's Ministers themselves are, or they suppose your Lordships to be, imperfectly acquainted with that constitution which it is the object of this Bill to destroy.

My Lords, I pray your Lordships' indulgence for a few moments, while I tell your Lordships what is the Constitution which Jamaica possesses? I will tell you my Lords what that Constitution is in the emphatic words of Mr. Burke speaking of the other colonial Governments in North America. Jamaica possesses "a Constitution which, with the exception of the commercial restraints, has every characteristic of a free Government. She has the express image of the British Constitution—she has the substance—she has the right of taxing herself through her Representatives in her Assembly—she has in effect the sole internal Government of the Colony." My Lords, Jamaica could have no other constitution consistently with the Law and

Constitution of Great Britain, because those who were the inhabitants of that Colony, when it was acquired by Great Britain, were not conquered Spaniards, for none were then remaining in the Colony, but they were Englishmen. They carried to Jamaica the right of Englishmen—the rights too, of the British Constitution—the right, therefore, to a form of Government which was based and founded upon the first principles of the British Constitution.

My Lords, the original settlers of Jamaica, when they ceased to have a voice in making the laws of England, of necessity must possess, in the country where they had settled, a voice in making those laws by which they were to be governed, and in imposing those taxes and burdens which were necessary for the support of their civil government.

But, my Lords, the constitution of Jamaica, and its form of government, did not rest alone upon this title, high and paramount as it is. It is expressly recognized and confirmed by the proclamation which was issued by Charles the 2nd, in 1661, shortly after his restoration, and by that proclamation it is expressly declared, that "all children of any of the natural-born subjects of England to be born in Jamaica shall, from their respective births, be reputed to be, and shall be, free denizens of England, and shall have the same privileges, to all intents and purposes, as the free-born subjects of England."

My Lords, the Governor who was appointed shortly after that proclamation was issued, carried with him instructions to convene an Assembly. An Assembly was convened, which, within a few years after this period, consisted of thirty-two Members. At present it consists of forty-five members.

My Lords, it was the fate of that Assembly, a few years afterwards, to encounter, from the Ministry of that day, an attack similar, in many respects, to that which is made on their Constitution by the Bill now before your Lordships. A scheme was formed by the Ministers of Charles the 2nd to govern Jamaica *nominally* by the Assembly, but in reality by means of laws previously framed in England, and sent out to the Governor to be presented to the Assembly, and their concurrence to be given, without any deliberation on the subject of those laws. In short, my Lords, the scheme was to introduce into the colony of Jamaica, Poyning's Law.

My Lords, that scheme seems to have formed the model for the measure which is before your Lordships. In one respect, that scheme had a merit which the present does not possess—it had the merit of avowing its purpose, of really doing that which it professed to do, whereas the peculiar character of the scheme now before your Lordships is, that it does what it professes to abstain from doing—it does indirectly, that which it does not do directly. By the circuitous means of a Governor, with the aid of his Council, it makes the Assembly a nominal party in enacting, as laws, instructions or directions which the Colonial Office may, from time to time, transmit to the Governor.

My Lords, I may venture to say, that, at all events, the Ministers of Charles the 2nd, in proposing that scheme, acted in perfect consistency with their professed principles. They composed a Government not professing liberal principles, and proposing arbitrary measures. Their Government contented itself with being known only by its arbitrary acts. It did not endeavour to obtain the aid of the principles which it professed, to carry measures directly opposed to those principles.

My Lords, Lord Carlisle was the Governor entrusted by that Ministry to execute this scheme of calling upon the Jamaica Assembly to pass the laws which the Government, from time to time, sent out. He was furnished with a body of laws—he arrived in Jamaica in 1678. He proposed those laws to the Assembly of Jamaica. They were Englishmen, my Lords, they knew the rights to which they were entitled; they had the honesty to resist all the various means which were resorted to for the purpose of procuring their compliance. They refused to pass any of those laws. The governor resorted to measures of violence; he removed some, arrested and imprisoned other judges and members of the council. One of them, whose name is well known in the history of Jamaica, was brought from thence to this country as a prisoner. My Lords, the people of Jamaica did, in those days, what is now considered a crime—they appealed to their Sovereign against the arbitrary conduct of that Sovereign's Ministers. My Lords, their fate did not depend upon the will of the Ministers—it was not left to the feelings of wounded pride, or of disappointment at a party defeat, to dispose of the inherent rights of the people of this colony. Their resistance to that arbitrary scheme, and

their right to retain the free constitution which they have acquired, became the subject of grave and solemn deliberation before the Privy Council, at which the Chief Justice of England assisted. The result was, my Lords, that that scheme was abandoned. A new commission was sent to the Governor, Lord Carlisle. Under that commission, in 1680, the established Constitution of Jamaica was again recognized, and it was declared that the acts passed by the three branches of its Legislature should at once obtain the full force and effect of laws, and their operation should not be subject to be suspended until the Sovereign's pleasure was known. They were subject, of course, to disallowance by the Sovereign, but, until that disallowance was given, they remained in full force and effect.

My Lords, under the Constitution of Jamaica, its Legislature consists of the Sovereign, represented by the Governor, a council composed of twelve persons, an Assembly consisting of forty-five persons, returned by the freeholders of the different districts. These are the three branches by whom those laws were to be passed, to which that effect was given, both by the original proclamation of Charles the 2nd, in 1661, and by the subsequent commission which was granted in 1680.

My Lords, there arrives another memorable period in the history of Jamaica, in the year 1728. There had been an attempt for some few years preceding, to obtain from the Assembly of Jamaica a permanent revenue. The Assembly refused to grant their supplies except from year to year, unless they were secure of their appropriation to the service of the island. In the year 1728, that contest between the Crown and the Assembly of Jamaica was terminated by the Crown giving up, on its part, the title to the quit rents of the colony, and on the other receiving a permanent revenue of 8,000*l.* per annum: but the special purposes to which that sum was appropriated were named in the very act by which it was granted. That law continues in force, and it contains an express provision that all the laws, "statutes, usages, and customs of England, shall continue the common laws of his Majesty's Island of Jamaica, for ever."

My Lords, there is one other period to which I must advert, because it terminated in an important law, not, indeed, applicable to Jamaica exclusively, but to all our colonial possessions. I mean, my

Lords, the Act which was passed in 1778 to restore to the colonies that confidence in the justice and the protection of the parent state which had been, unfortunately, forfeited by the unnatural contest in which Great Britain had been previously engaged with her colonies in America. That Act, the 18th of George 3rd, chapter 12, expressly enacts and declares, that neither the Crown nor the Parliament of England, would, at any time, thereafter, impose any burden, tax, or duty upon the people of the colony, but left it to themselves, by their representatives, to do so. The only duties which the Imperial Parliament retained to itself the right of imposing, were those in respect of commerce, but the proceeds of those duties so imposed were only applicable to the purposes of the colony.

My Lords, those attempts to violate the fundamental principles of the Constitution of Jamaica, which immediately preceded the year 1728, were attempts on the part of the Executive Government alone. It says much for the Parliament of that day, whatever it may say for the Parliament of the present, that no House of Commons presented materials which could hold out an expectation that the Government would obtain its sanction to the adoption of those measures which violated the Constitution of the colony.

My Lords, there have been certainly occasions in which Governors, sometimes from bad feeling, at other times from ignorance or inexperience, have made attempts to deprive the Assembly of some of those privileges, which were essential to the efficient discharge, by that body, of their legislative functions.

My Lords, I shall call your Lordships' attention, in a very few words, to some of those attempts, because it seems to me, they may furnish a very useful lesson as to the course which should be adopted by Governors and Secretaries of State upon similar occasions, and because they also show that the course which the Assembly of Jamaica adopted in 1838, and which is made the pretext for depriving them of the free exercise of their legislative functions is precisely the course which the Assembly adopted on former occasions when there had been an interference with their rights, and which course so far from calling upon the Government for condemnation, did not even interpose an obstacle to their rendering to the Assembly full and complete reparation.

My Lords, in 1764 a very distinguished person who was then Governor of the Island, Mr. Littleton, attempted to deprive the Assembly of Jamaica of a privilege belonging to that body, and essential to the effective exercise of its functions. In his character of Chancellor he discharged two persons who had been committed by the House of Assembly for a breach of their privileges. The House of Assembly upon ascertaining that fact, came to a resolution by which they declared, that that act of the Governor was a breach of their privileges, and that until a reparation had been made, they would not proceed to transact any further business. Such was the language of the resolution of the House of Assembly in 1765.

My Lords, Mr. Littleton prorogued the Assembly—dissolved the Assembly—convened another Assembly—prorogued it—and dissolved it—and in that state did the colony of Jamaica continue till the 24th June 1766, a period of two years, when Mr. Littleton was recalled, and Mr. Elliston was appointed the Governor. One of the first acts which he was directed to perform upon his assuming the administration, was to convene the assembly, to acknowledge the breach of privilege committed by his predecessor, and to express on behalf of his Sovereign, the condemnation of the breach of privilege. The Governor under those directions in the presence of the Council and the Assembly, called before him the Registrar of the Court of Chancery, and erased from its records that proceeding of Mr. Littleton, by which in his character of Chancellor, he had discharged those persons who had been committed by the House of Assembly.

My Lords, in the following year the Government made an application to the Assembly to be reimbursed those advances which the Treasury had made, in consequence of the suspension of the sitting of the Assembly for two years. The Assembly refused to accede to that application, the intermission said the Assembly which has taken place in our sittings, has been occasioned by the conduct of your Governor, we can be called on to discharge those burdens only which we have consented to impose on ourselves, and which are applicable to the purposes of the Island, we have not authorized him to draw on the Treasury, we cannot sanction Mr. Littleton's conduct. It would afford an example the most dangerous. A Governor might with impunity invade the rights and privileges

of the Assembly, if the Assembly provided for those sums which had been advanced without their authority, whilst his conduct had deprived them of the exercise of their Legislative functions. In the subsequent Session the Government renewed the application, the Assembly persevered in their refusal, and the Government abandoned the claim.

My Lords, another instance occurred in the year 1808, at the commencement of the government of the Duke of Manchester. The Assembly claimed, as an essential part of their Constitution, the right to examine witnesses at their Bar, or before their Committees. A gallant Officer, Major - General Carmichael, who was then the Commander - in - Chief of the forces in the island, considered, that it was not proper for him to appear before a Committee. The Duke of Manchester expressed his concurrence in this view. The House of Assembly came to a Resolution nearly in the language of the Resolution of 1838, that the refusal of that Officer to appear, and the conduct of the Governor in sanctioning that refusal, was a breach of the privileges of the House, and that they would proceed to no business until reparation had been afforded them. My Lords, the Governor, the Duke of Manchester, prorogued the Assembly, and referred to the Government here. My Lords, the subject was much discussed by the Government. Their decision was, that the interference, on the part of the Duke of Manchester, and the refusal, on the part of General Carmichael, were not warranted by the principles of the Constitution which the people of Jamaica possessed, and the Duke of Manchester was directed to convene the Assembly, and make adequate reparation. He did so. That reparation was made; and it was met in the spirit in which every attempt towards conciliation by the Government in this country has been met by the people of Jamaica. It was met more than half way; they called General Carmichael before them to assert their right, but forbore examining him at all.

My Lords, an instance occurred in 1836, in which another attempt was made to interfere with one of their rights, with the freedom of debate. The Marquess of Sligo, then the Governor, took upon himself to send down a message to the Assembly on the subject of a Bill which was then pending between the Assembly and the Council. The Assembly expressed their deter-

mination in the same language as they used in 1838 to abstain from any business whatever, until reparation had been made to them. This took place on the second of February, 1836. The Marquess of Sligo persisted in asserting, that he had been guilty of no breach of the privileges of the House; that he was right. He prorogued the Assembly; the Assembly again met; he continued to maintain his former assertion; the Assembly renewed their Resolution. An appeal was then made to the Government; and Lord Glenelg appears to have received, on the 19th of March, a statement of this proceeding on the part of the Marquess of Sligo; and on the 31st of the same month, he addressed a dispatch to the Marquess, in which he distinctly stated to him, that he had been guilty of a breach of the privileges of the House, and called upon him to make reparation. He did make that reparation frankly; it was met by the Assembly. They, at once, expressed themselves perfectly satisfied with it, and then proceeded with their functions. "We are perfectly satisfied," they say, "with the reparation which your Excellency has offered for the breach of our privileges which led to the late prorogation of the Assembly."

Now, my Lords, what is the necessary effect of these attempts, on the part of the Government, to interfere with the rights and privileges of the Assembly of Jamaica, and the success which attended the resistance of that body? My Lords, it has taught the Assembly of Jamaica to be jealous of their rights and privileges. It has also taught them to maintain those rights and privileges with uncompromising firmness. My Lords, I ask your Lordships, to bear this in recollection when you examine the proceedings which took place in 1838, and the Resolutions which they then adopted, and which are made the pretext for those measures by which their Constitution is to be subverted.

My Lords, such is the history of the Constitution of Jamaica. Under that Constitution this great Colony has prospered. It comprises, as your Lordships are aware, at least one half of the population of all your West India possessions. It gives you in imports into this country four millions; it receives from you in exports from hence nearly three millions. Well did it merit the description which it received from that great naval hero, Lord Rodney, "It was the brightest jewel in the British Diadem." Against the Con-

stitution of that Colony her Majesty's Ministers have directed their attack. My Lords, the measure which they first adopted to effect this purpose, openly and undisguisedly suspended the functions of the Assembly for the term of five years, and transferred those functions to the Governor in Council. It thus united the whole Legislative and Executive Council in the same body. It gave to the Governor the power to raise and to dispose of the revenue of that Colony, and to disburse its expenditure to the amount of half a million. He was indeed to be aided by two or three salaried Commissioners, sent from this country under the appellation of Councillors, nominated by the Crown. This part of the arrangement did not, nor was it necessary that it should, appear upon the face of the Bill, inasmuch as the Crown, by virtue of its own Prerogative, would appoint those persons. That appointment being thus made, the bill amply provided the means by which those same three Commissioners, having sat in judgment upon the merits of their own services, might, in conjunction with the Governor, levy the taxes by which they might pay themselves the salary they had found their services had merited.

My Lords, I am grieved to say, that this measure was introduced into Parliament without any previous intimation to the Assembly. As early as the 10th of December in the last year, the Government became acquainted with the Resolutions which were considered to have afforded a ground upon which the measure could be sustained. My Lords, it was the desire of the person who has now the honour of appearing at your Bar, to obtain, in his character of Agent from the Government, some intimation of the course which was intended to be pursued by them in consequence of those Resolutions, before they came to any decision upon it. My Lords, the Agent was apprised of this Bill, which was to suspend the Constitution of his constituents, a few hours before it was introduced into the other House of Parliament, and the very day after the packet had sailed, and when, of course, fourteen days must elapse before he would have an opportunity of conveying any intimation of it to his constituents in Jamaica. My Lords, one evil has resulted from that course. As the persons with whom that Agent corresponds, the Committee of Correspondence, are the Members

of the Council, and all the Members of the Assembly, an opportunity was lost to the Government of knowing the views and sentiments which were entertained by the Assembly upon the particular measure which the Government were about to introduce, and the opportunity was lost of enabling their representative to state to you what the course was which they would take upon all the ulterior measures which the Government might think proper to adopt.

My Lords, that measure was opposed by the great body of the Jamaica proprietors in this country. There were some, unquestionably, who supported that measure, but, my Lords, it is no disrespect to them to say, that neither in numbers nor in the value of their interests did they bear any proportion to those who had a clear decided conviction, that this measure was injurious to all classes of the community in Jamaica, and who for that reason opposed it.

My Lords, when this measure was originally proposed, the real reason for its adoption as it was avowed everywhere but in the preamble of the Bill, was that the existence of Legislative Assemblies was incompatible with the recent emancipation of the negro population. Short-sighted men! Did they, indeed, flatter themselves that such a reason could long stand the test of public feeling or of public judgment? Could they expect, my Lords, that the people of England would endure after the noble sacrifice which had been made to effect the great measure of emancipation to be told, that although they had granted to the negro population the rights of freemen, they could not safely give them the political rights to which as freemen they were entitled? My Lords, would the people of England endure that it should be held out to the States of America as the doctrine of England, that if they emancipate their three millions of slaves, they must abolish their representative form of Government? My Lords, the people of Jamaica themselves never harboured the design; the great body of Jamaica proprietors in this country repudiated the design of withholding from the emancipated population, any of the political rights to which freemen are entitled.

My Lords, when in the discharge of my duty I was heard elsewhere against this measure, I disclaimed any such design. I disclaimed too, any apprehension on the part of the Assembly of Jamaica, that the

interests of the other classes of the community could be prejudiced by admitting the emancipated population to the exercise of those franchises which other freemen enjoyed under the law. My Lords, the original reason for proposing this measure had been avowed with so little reserve, that the Emancipation Society actually menaced an opposition to this Bill, for they considered it directly injurious to the rights of the emancipated population. My Lords, when that opposition was menaced, and when my Lords, I had ceased to be in a position to be heard in defence of the Assembly and people of Jamaica, this reason was abandoned; the only pretext which was assigned in the Bill was abandoned. A new motive was suggested for this measure; it was said, "annihilate the Assemblies because you cannot intrust them with Legislation for the emancipated population."

My Lords, what can be the information which they possess respecting the Constitution of Jamaica, who could either raise or attend to this senseless cry. My Lords, the Assembly cannot legislate; the Assembly is only a single Branch of the Legislature of the Colony, and if the Legislation of the Assembly is not that which is adapted to the new state of society, if there be in it that which there is any pretext for saying savours of injustice or oppression towards the emancipated population, there are two checks in the Colony on that Legislation, two authorities which can be interposed to correct or prevent it, and there is ultimately the watchful eye of the Colonial Minister in Downing-street, who by his advice recommends the Sovereign to disallow any laws which ought not to be passed.

My Lords, nothing more completely proves how hollow and unfounded was this pretext, than the fact, that there are sixteen Colonies having Legislative Assemblies, and that in several there are wanting laws upon many subjects which are deemed essential. But if the objection were just, that Legislation could not take place with due regard to the emancipated population, in consequence of the previous relation in which the different classes of society stood towards each other; this Bill ought to have extended to all other Colonies. Parliament should have been called upon to sanction a principle applicable to all, and this Bill would not be confined to Jamaica alone.

My Lords, it was the fate of that mea-

sure in consequence of a very unequivocal expression of the opinion of the House of Commons, to be abandoned by her Majesty's Ministers. My Lords, after the abandonment of that Bill, which upon the face of it, professed to do that which constituted the objection to it, and that which influenced its abandonment, namely, that it suppressed the Assembly, and suppressed a new and despotic form of Government, it does pass all comprehension that there should have been entertained by Parliament, this new Bill which effects the same purposes not indeed openly, not indeed in terms, but in substance and in effect. My Lords, I defy the wit of man to point out in what respect the present Bill differs from that which the Government abandoned, except that there is wanting in it the honesty and candour to avow the purpose which it means to accomplish, the wrong which it means to inflict upon the people of Jamaica.

My Lords, before I call your Lordships' attention to the particular characteristics of this second Bill, I beg to state to your Lordships the proceedings which took place upon the abandonment of the former Bill. My Lords, the great body of Jamaica proprietors in this country, who had offered their opposition to that measure, and had resolved to oppose it in every stage of its progress through Parliament, were again assembled, and, in that hour of success, they repelled, by their resolutions, the insinuation which had been made, and the calumny which had been circulated, that they were looking to a triumph, in the possibility that bad legislation might be retained, and good legislation prevented; that they had no feeling, and no consideration, but for their own personal interests; and that to the real effect of this Bill, which was a disfranchisement of the negro population, as well as of the other classes of the community, they were indifferent. My Lords, they adopted the following resolutions, on the 10th of May:—

"Resolved: 1st. That this meeting, anxious to protect the rights of the emancipated population of Jamaica, no less than those of the other classes of the community, disapproved of the late Bill, which would have deprived the emancipated population of those elective franchises which, from the small value of the qualification, and the facility of its acquisition, might be, and are, so completely within their reach. And they also disapprove of that Bill, because, among other things, it would inevitably have excited the distrust of the emancipated population towards the other classes of

the community, by the disparagement and degradation to which it would have subjected those classes, and thus obstruct the beneficial working, and endanger the successful issue of the great measure of emancipation."

2nd. "That this meeting feel very anxious that the Legislature of Jamaica should be guided by that spirit which will best secure the successful issue of the great measure of emancipation, but maintain the principle, that the people of Jamaica are free inhabitants of a free country, and equally entitled to enjoy every benefit of the British Constitution, and thus, most effectually realise the reasonable expectations of the people of this country."

3rd. "That this meeting declare their confident belief that the desire to avoid every act of oppression towards the emancipated population, and to preclude every step which might create a distinction to their prejudice, is entertained by, and will influence, the Assembly and inhabitants of Jamaica."

4th. "That this meeting will cordially and earnestly co-operate in promoting and encouraging, amongst their fellow-colonists in Jamaica, the foregoing principles, and in cultivating amongst them those feelings of confidence and conciliation which best maintain the relation between a colony and the Parent State, and can alone insure the mutual prosperity and happiness of both countries."

My Lords, these resolutions were communicated to her Majesty's Ministers. My Lords, on the 14th of May, at the earliest possible moment after the re-appointment of the Government, I sought an interview with the Colonial Secretary. I earnestly implored the Government to avail itself of the opportunity afforded by the sailing of the Jamaica packet, on the succeeding day; and, without any *further attempt to obtain* the interposition of Parliament, to appeal, in a spirit of frankness and conciliation, to the Assembly of Jamaica, to rely upon the co-operation which the resolutions imported the Government would receive from the great body of proprietors here, which they had promised to give, and which they would give by the packet, and to leave the Assembly to resume its legislative functions, and to confide in the expectation entertained by those who waited, as a deputation, upon the Ministers, that the Assembly would at once resume them, as they had done upon former and similar occasions. My Lords, that application was renewed, but renewed without effect. It was determined by the Government to adopt parliamentary legislation.

My Lords, I deeply regret this determination. There were numerous consider-

ations to have restrained the Government from taking it, and to have induced them to adopt that course which we recommended.

My Lords, in adopting that course, they would have had an abundant justification, in the sense which had been expressed by the House of Commons, upon the question of parliamentary interposition. They would have had an abundant justification in the clearly-expressed opinion of a large body of Jamaica proprietors, that such a course would alone promote the interests of all classes of the community, and in the well-grounded assurance which the Jamaica proprietors gave the Government, that they had co-operated, and would co-operate, with their fellow-colonists, in inducing them to meet, in a spirit of conciliation, a final and amicable adjustment of the misunderstanding between the Government and the Assembly.

My Lords, that earnest representation, on the part of the Jamaica proprietors, had no effect upon the Government.

They introduced the Bill which now lies on your Lordships' table. My Lords, I have described this Bill, as rendering the exercise of the functions of the Assembly of Jamaica wholly incompatible with the existence of that body, as a free and independent branch of the Legislature. My Lords, there can be no difficulty in proving the correctness of this description. It gives, as your Lordships are aware, to the Governor, with the advice and consent of the Council, the power of enacting laws and ordinances on three specified subjects, if acts of the Governor, Council, and Assembly, upon all or either of those subjects, have not previously been passed. Now, my Lords, those subjects are, in themselves, of great importance, both with respect to the details of the measures, which ought to be adopted, and require the application of great local, practical experience. Upon these details, there may be much difference of opinion, amongst persons equally desirous of attaining the same object. Upon these three subjects, then, the Assembly must proceed to legislate, with the knowledge that if the Council should suggest any amendments in which the Assembly did not, and could not concur, or if the Governor should not concur in the enactments which the Assembly and the Council might make, the power of legislation by the Assembly, upon those subjects, must cease, and become transferred to the Governor, who, with the advice

of the Council, is to take, as models, certain orders in council for the Crown colonies, which have been passed in relation to those subjects. Orders in council, my Lords, in all probability prepared by some learned gentleman in the Colonial Office, who has no notion whatever of Jamaica, except that which he might have derived from looking at the map on the walls of his office.

Now, my Lords, I ask, whether it ever before occurred to the mind of any statesman to present to the British Parliament, for its sanction, a measure which armed each of the three branches of a Legislature with the power of destroying the entire Legislature, by destroying the third branch. My Lords, I suppose, that the life and soul and essence of every branch of the Legislature is its free will; but where is the free will that the Assembly can possess or exercise, if they proceed to legislate, either after a previous communication with the Council, or with the Governor, to ascertain the particulars to which these two branches will assent, or if after having expressed their own opinion by an enactment, to which the Council makes an amendment, they must surrender that opinion by yielding to the amendment made by the Council, in order to prevent that event arising which is to enable the Governor to say, There is no Act passed by the Governor, Council, and Assembly, because the Council has not concurred in the Bill passed by the Assembly, or I have not given my assent to that which has been passed by the Assembly, and assented to by the Council; I, therefore, enter upon the exercise of that despotic power which is derogated to me by this Act. My Lords, I believe it to be unexampled in legislation, that you should arm a person with that power, furnish him with a temptation to create the very occasion in which he is to acquire sole and exclusive power to himself, and destroy the concurrent power possessed by another branch of the Legislature.

My Lords, I have supposed each of the two branches of the Legislature, the Governor and Council, to be acting, *bonâ fide*, to be seeking for no opportunity to supersede the Assembly. Although, my Lords, that is a supposition which I am bold indeed to entertain, after having heard the language of her Majesty's Government, that the time has arrived for putting an end to the Assembly; and notwithstanding I see a law passed to

goad them to a crisis which will enable the Government to come down to Parliament, and say, "The Assembly will not proceed to legislate, and I call upon you now to put an end to the Assembly, and to create a new form of Government. Here are forty-five practical men having an intimate local knowledge of the colony, they enter into the consideration of each of the three subjects mentioned in the Bill; viz. vagrancy, the relation between masters and servants, and the illegal occupation of land, they examine the provisions of the Orders in Council, they make a law adapted to the circumstances of the Colony—the Council suggest an amendment—that Council, your Lordships observe, being in communication with the Governor, knowing the views and instructions of the Colonial office, and acting very frequently in compliance with the suggestion which the Governor gives them under the instructions he has received. Well, my Lords, the Assembly honestly believe, that the amendment which the Council, at the instance of the Governor, or at the instance of the Government in Downing-street, have made, is not adapted to the circumstances of the Colony, and that it would defeat the object they all have equally in view. The Assembly considers, that it cannot make itself a party to an amendment of which it disapproves; the Council may maintain, with equal confidence, the correctness of their opinion, and the expediency of their amendment, although some of them, my Lord Bishop of Jamaica, or the Chief Justice of Jamaica, and others, the more immediate functionaries of the Crown, may not have the same practical knowledge of the country as the forty-five Gentlemen in the Assembly. Still, they may adhere honestly to their opinion; they may refuse to withdraw the Amendment, and the consequence would be, as your Lordships know, that the Bill would remain with the Council. The Bill has come up to the Council, but not being concurred in by the Council, it is not presented to the Governor for his assent; and the occasion then arises in which the Governor himself is to assume legislation, by passing a law upon the subject of that Bill.

He is then invested with that power. How, my Lords, are the Assembly to prevent it? They can only prevent it by surrendering their own judgment, and by acquiescing in an Amendment which their conscience tells them may be injurious to the interests of those who send them as

Members into the Assembly. My Lords, can this be called a free Legislature? Can you say the Assembly is left to the exercise of its legislative functions, when the exercise of them must be subject to the will, subject to the opinion and judgment which the Council, acting perfectly, *bonâ fide*, may have pronounced upon the matter?

But, my Lords, let me carry the case still further. This Bill will, in effect, introduce Poyning's Law, the object of the ministry of Charles 2nd in 1687, circuitously, indeed, but it will introduce it into Jamaica as completely and effectually as the Commission of 1678 enabled Lord Carlisle to enforce that law. For what will the Governor do? The Council and the Assembly have both passed an Act, but the Governor has in his pocket his instructions from Downing-street, instructions which tell that Governor not to give his assent to this or that Act, unless it has such and such provisions in it. Who is making the law, then, my Lords? The same authority which was to make it under the system of Poyning's Law, and under the system introduced into Jamaica by Lord Carlisle's Commission. The Government in this country, the Secretary of State for the Colonies, and those to whom he surrenders his judgment; all those persons in this country, be they the Emancipation Society, or be they any other persons who choose to come to Downing-street with their crude and rash legislation. The Governor must make, that the model for the Bills which come up from Council and the Assembly, and to those only which are in accordance with that model, is he to give his assent. Without imputing anything wrong to the Governor, but admitting him to be actuated only by the desire of strictly discharging his duty in conformity with the instructions he has received, this Bill arms the Government with the power of legislating, through his intervention, a power which this Bill durst not give the Government after the fate of the former Bill.

My Lords, the effect of this Bill is then, I say, at once to leave the Assembly deprived of that, without which no branch of the Legislature would desire to have an existence; it is to leave them with a responsibility for Acts of Legislation over which, in truth, they have no control, no power, because whatever control or whatever power they might be disposed to exercise as the result of their own judgment, they must, in order to continue their

legislation, surrender to the views of the Council or the Governor.

My Lords, this Bill by allowing a branch of the Legislature to hold its existence, under such conditions and restrictions, possesses a character which makes it more injurious and oppressive even than that which the Government abandoned. To destroy an existing branch of the Legislature, openly and avowedly, is a less evil than to make it the instrument of its own destruction. My Lords, that is the effect of the present Bill; and your Lordships must see, from its enactments, that it leaves the Assembly in a condition so degraded, that if they continued to act, or rather professed to act as a legislative body, there is no unfounded calumny by which that body has been attacked equal to the reproach they would deserve to incur.

My Lords, the second clause of this Bill has all the objections which are applicable to the first clause, but it has objections, also, peculiar to itself; objections, my Lords, which do not diminish the weight of the unanswerable objections which exist against the first clause, but, my Lords, they are objections in addition to those which oppose the first clause. My Lords, I believe it is the first time in the history of its legislation, that Parliament has been called upon to give a power to a body to revive and re-enact temporary laws which, for any thing that appears upon the face of the Bill, Parliament knows nothing of. My Lords, is the Act to speak for itself, or is there to be a running commentary upon it by the Secretary of State for the Colonies? because your Lordships, if you give effect to this clause, are empowering the Governor with the advice and consent of the Council, to re-enact temporary laws, the nature of which you cannot know in the only way in which Parliament ought to know it, namely, by a specification of those temporary laws in the Bill.

But, my Lords, there is another singular feature in this power to revive and re-enact temporary laws. *Prima facie*, a temporary law, is one which has passed, *pro re nata*. It is a law of experiment; it is intended to see how it will act. After that experience it may be found not necessary to re-enact it; it may be an unwise law, or it may require an amendment. But to re-enact a temporary law, your Lordships not knowing from this Bill how that temporary law will act, is in opposition to the presumption that, being a temporary law, it

is not a law to be re-enacted, or to be re-enacted in its original state.

But, my Lords, there is another and a further objection to this second clause. Several of these temporary acts, are money bills. My Lords, by the 18th of George 3rd, chapter 12, the King and Parliament of Great Britain, in the solemn language of that Act, renounced for themselves the power of imposing, by declaring that they would not impose any duty, tax, or assessment whatever in any of the colonies. That power was left to the people of the colonies by their representatives in their Assemblies, yet having renounced that power, having declared Parliament would not exercise it, but leave it to the Assemblies, Parliament is now about to resume that by transferring its exercise to the Governor in Council. My Lords, is not this clause then a direct infringement of the statute of the 18th George 3rd, chapter 12? If Parliament does not retain that power itself, I humbly ask upon what authority can Parliament delegate it to the governor? What, my Lords, re-enact temporary money bills! The Assembly enjoys, and from its first establishment has enjoyed, the exclusive privilege of originating every money bill, and of exercising a complete, uncontrolled, and uncontrollable discretion as to the money which they will raise, and as to the purposes to which they will apply that money when it is raised. They will neither allow the Governor nor the Council to touch one of the bills which the House has originated for either of these purposes. They maintain this to be their Constitutional privilege. What, then, my Lords, are you doing by this bill? The only person who is to exercise a discretion is the Governor, with the advice of his Council. My Lords, the Assembly may consider that the tax which was imposed in 1837, and which expired in 1838, in the altered circumstances of the colony, is not proper, that the revenue may be raised by some other means; they may consider that it is not just to their constituents to burden them with a tax, which is either grievous in its amount or improper as to the subject, or unequal: they, therefore, do not, in the exercise of their discretion, re-enact that tax. But what does this Bill enable the Governor to do? To re-enact it; he has the absolute power of re-enacting it; it is competent for him, with the advice and consent of the Council,

to re-enact or revive either of those taxes.

But, my Lords, there is another extraordinary feature in this clause, and in the power which is given to the Governor of re-enacting these temporary money bills. Two-thirds of the money bills of Jamaica contain specific appropriations to various persons of the sums which are raised under them, and, my Lords, the specific purposes of the expired bill have been answered, the creditors named therein have been paid. You are not going to re-enact the appropriation to pay the persons twice over. No, you say. Well, then, are you to leave the money which is to be raised under this Act unappropriated altogether? For what purpose do you arm the Governor in Council with the power to raise the revenue, but leave him, as he will be left to make an appropriation of that which he raises? The first clause of this bill very speciously exhibits a most tender and scrupulous respect for the Act, 18th of George 3rd, cap. 12, in the concluding part of that clause where power is given to the Governor to make ordinances on the three subjects of vagrancy, masters and servants, and unoccupied lands. The Governor is not to impose any burthen, tax, or duty, but merely a penalty for the non-observance of those ordinances. Now, my Lords, whether that provision is introduced for the purpose of showing that there really was a desire, or of inducing others to believe that there was a desire on the part of the Government to avoid any violation of the 18th of George 3rd, or not, this is clear that no possible occasion arose under the first clause for imposing any burthen, and there was, therefore, no necessity for referring to this Act.

But, my Lords, I thank her Majesty's Ministers for inserting that proviso in the first clause, because it carries with it the condemnation of the second clause, for the second clause is in direct violation of the 18th of George 3rd, cap. 12.

My Lords, if, then, no appropriation has been made by the Governor, and no appropriation can be made by him, because this clause only authorizes him to re-enact the former law, this specimen of legislation has this other singularity, that it gives the Governor power to raise the revenue, but does not give him power to appropriate it.

My Lords, such is the general character and effect of these two clauses; and now, my Lords, I ask, what is the pretext upon which Parliament is called upon to inflict,

that which I call a punishment upon the people of Jamaica. My Lords, the Preamble tells your Lordships, that the Assembly on the 2nd of November, addressed the Governor, and declared their determination to abstain from any legislative functions, except such as might be necessary to keep inviolate the faith of the Island, with the public creditor; in other words, to provide the supplies—and, that in consequence of that determination, there had been a cessation of the proceedings of the House. Now, my Lords, the terms in which the determination of the House was expressed upon that occasion, are to be found in the West India Papers. And it is not such a determination as the Preamble represents it to be. The Preamble omits a very important part of it, an omission to the prejudice, certainly not of those by whom this measure is proposed, but to the prejudice of the Assembly. My Lords, the original Bill as it was in the other House had mistaken the day upon which the House met—they proceeded to correct that date—they referred to the Address for the purpose of doing so, but it is singular, that they should not have seen that there was not only an error of date to correct, but another error of a more substantial kind. The determination was not as the Preamble states it, an absolute unqualified abdication of the legislative functions of the Assembly—it was not an absolute refusal to proceed to business at all, but a refusal to proceed to any other business in these terms, "except such as may be necessary to preserve inviolate the faith of the Island with the public creditor, *until they shall be left in the free exercise of their inherent rights as British subjects*"—and in the Resolution which they adopted, and to which they adhered, their language is, "That they abstain from the exercise of any Legislative functions excepting such as may be necessary to preserve inviolate the faith of the Island with the public creditor, until her most gracious Majesty's pleasure shall be made known, whether her subjects of Jamaica now happily all in a state of freedom, are henceforth to be treated as subjects with the power of making laws as hitherto for their own Government, or whether they are to be treated as a conquered Colony, and governed by Parliamentary Legislation &c."

My Lords, the foundation of these proceedings is the Act of the British Parliament intituled, "An Act for the better

government of prisons in the West Indies." Now my Lords, that Act and the circumstances connected with it, I will very shortly bring under your Lordships' notice. Your Lordships are aware, that on the 5th of June 1838, the Assembly of the Colony was especially convened for the purpose of abolishing the apprenticeship. Upon that occasion your Lordships are aware, that the Assembly were placed in this position. The organ of her Majesty's Government, her Majesty's representative, distinctly told the Assembly, that it was impossible to continue the apprenticeship. "I pronounce it" he says "physically impossible to maintain the apprenticeship with any hope of successful agriculture."

My Lords, the Assembly answer that Address in these words—"Jamaica does indeed require repose, and we anxiously hope, that should we determine to remove an unnatural servitude, *we shall be left in the exercise of our constitutional privileges without interference.*"

My Lords, on the 16th of June, the Secretary of State for the Colonies, received Sir Lionel Smith's Despatch, enclosing to him that Address of the Assembly, and informing him that he might with confidence reckon upon the abolition of the apprenticeship. A Bill in fact had passed through the House of Assembly, and he detained the packet for the purpose of transmitting it to London. Now, my Lords, after that solemn appeal on the part of the Assembly of Jamaica to her Majesty's Government, and after the sacrifice they had made of two years of that apprenticeship, which formed a part of the compensation for the abolition of slavery—the 16th of June was the day selected for the introduction into Parliament, of a Bill of complete internal Legislation—a Bill "for better Government of Prisons in the West Indies."

My Lords, that Bill was introduced without the slightest previous intimation to the Agent of the Colony. He heard of that Bill by mere accident. He earnestly remonstrated against the progress of that Bill. He pointed out to her Majesty's Ministers the manner in which it affected the internal Legislation of the Colony. He put upon the Table of this House, as he did upon the Table of the other House of Parliament, his protest against the unconstitutional character of that Bill. My Lords, it was passed through both Houses of Parliament, without any regard to that

protest, without any regard on the part of Her Majesty's Government to the representations which had been made on the subject, and with the forewarning given them, that the introduction of that Bill into Jamaica, would produce those very consequences which have resulted from it, that the Assembly would deem it an interference with that Constitution, which I have shown your Lordships they have possessed for nearly two centuries, and which in all the attempts that have been made, has been respected by those who represented the Executive Government in this country.

My Lords, on the 13th of August the Act is transmitted to the Colony, and on the 25th of September it is received by the Governor and is immediately proclaimed. Now, my Lords, I will take leave to say, that that is the first instance in the history of Jamaica in which a law was proclaimed in that Colony. They have been governed by Acts of their Legislature. If there have been occasions in which there has been an interposition by Parliament in passing an Act, an opportunity has been afforded to the Colonial Legislature of making the provisions of that Act its own law, by enacting them.

I have said, my Lords, that Prisons Bill was a Bill exclusively of internal legislation. My Lords the supreme superintending power of the Imperial Parliament over each and every part of the empire, is not denied. But it is not incompatible with that supremacy, that each and every part of the empire to whom the Constitution of this country had given a municipal form of Government, had given a local Legislature, should retain legislation upon subjects, and upon persons solely and exclusively in the Colony. My Lords, the doctrine of the great statesmen who have considered this subject would sanction me in putting it even upon higher grounds. The language of Mr. Fox upon the affairs of Ireland in 1782, of Mr. Pitt and Mr. Windham on the Bill of Sir Philip Francis for regulating the condition of the slaves in the West Indies, would justify me in maintaining this distinction between the supreme superintending power of the Imperial Parliament and the exclusive exercise by the Colony of internal legislation, when that legislation was to affect only subjects—and persons and property exclusively in the Colony.

My Lords, that distinction has been respected by the usage of Parliament. The

Bill introduced by Mr. Wilberforce in the year 1815, to establish the registration of the slaves in the different colonies was regarded by the people in the Colony, and the proprietors in this country, as a direct interference with the right of internal legislation. Mr. Wilberforce and those to whom he referred for advice upon the subject abstained from further proceeding with that Bill. It was simply read and printed. But the course which was adopted upon that occasion, by the Assembly of Jamaica, when it was perceived what was the feeling which prevailed amongst their own friends and the numerous class of persons here who were entitled to their respect and attention. That course was to pass a Registry Act, embracing all the details which were deemed necessary for the purpose contemplated by Mr. Wilberforce.

My Lords, another instance occurred in the year 1819. An Act was in that year passed by the Imperial Parliament which required that deeds affecting slaves should contain the names of the slaves, according to the registration of them in the Colony. Now it is important that your Lordships should observe that this Act confines legislation to persons and subjects exclusively within Great Britain. It does not extend to deeds, in whatever place they are executed, but applies exclusively to such deeds as are executed in the United Kingdom. It left untouched, it does not profess to apply to such deeds as are executed in the Colony.

My Lords, the abolition of the slave-trade in 1807 stood upon perfectly distinct grounds. It was a subject of trade. This was the ground on which Mr. Pitt said, the abolition must be by the authority of Parliament; in short it was a subject upon which no Colonial Legislature was competent to legislate.

The abolition of slavery in 1833, by the authority of the Imperial Parliament, proceeded upon a compact with those who were interested in slaves in the Colony, they on the one hand receiving in consideration of the abolition a compensation, the Parliament on behalf of Great Britain, on the other hand, paying that compensation. It was a case, therefore, of compact. But, my Lords, even that Act of Parliament left to the Colonial Legislature in the first instance the power of enacting all the details for the purpose of carrying out that measure.

My Lords, another instance occurred,

and it is a valuable instance for the purpose of marking the principles upon which the Parliament have proceeded, and of shewing what the usage of Parliament has been. In the year 1836, the Government introduced a measure for altering the courts of judicature in all the West-India Islands, except Jamaica. That was a measure exclusively for legislation by the Imperial Parliament, because no single Legislature in the Colony could make provision for the exercise of the judicial power which that judicature was to exercise in another colony: but even in that Act, there is a scrupulous regard for the rights of those Legislatures. Nothing was done by the Imperial Parliament beyond what was absolutely essential for the purpose of doing that which could not be done by the Colonial Legislature itself.

My Lords, there are, then, the opinions of statesmen, and the usage and practice of Parliament. My Lords, this would be authority enough. But there is one authority which I must take leave to detail to your Lordships, because it is an authority emanating from the very Government, from the Secretary of State himself who introduced the Prison Bill.

My Lords, in consequence of that prorogation of the Assembly, which took place by reason of the breach of privilege committed by the Marquess of Sligo, in 1836, an act in aid of the abolition law had expired. Parliament passed an Act, not to revive an expired Act, not to revive an expired Act without giving its name or its object, but to revive this specific Act, and in what language did Parliament revive it? Not absolutely, not unconditionally, but the Act was not to come into operation until a sufficient time had elapsed to enable the Assembly to re-enact it. Now your Lordships will bear in recollection what I stated respecting the peculiar character of the Act for the Abolition of Slavery. That put an end to slavery, that created the apprenticeship, that was a compact between the two parties, the details of which were left to the Colonial Legislatures. If those details were not completed, Parliament resumed its authority during the apprenticeship to enact them. My Lords, the authority to which I am about to refer is a despatch of Lord Glenelg, of the 31st of March, 1836; it contains sound and unexceptionable doctrines, respecting the course of proceeding, that should be adopted by Parliament whenever

it is called upon to interpose by its legislation on subjects in the Colony, and that noble Lord distinctly puts the ground upon which the Act in aid was passed here, namely, that it was an emanation of the Act for the Abolition of Slavery, that it was in fact, the completing one of those details which had been left to the colonial Legislature to perform, but which, if it did not perform, the Parliament, by the same right by which it abolished slavery, would resume the power of performing.

My Lords, I now read Lord Glenelg's despatch on this subject:—

"It has not been" he says, "without extreme reluctance, that his Majesty's confidential advisers have thus invoked the interference of Parliament in the internal affairs of the Colony. They acknowledge and respect the general principle, that to the Colonial Legislature belongs exclusively the enactment of laws of which the operation is to be confined within the limits of the island, but they have yielded to the irresistible force of those reasons which, on this particular occasion, have required a departure from that established rule."

The present particular occasion now. His Lordship proceeds to state:—

"It is my duty briefly to advert to a few of the more considerable among those motives which have dictated—

Not a general matter of course legislation of Parliament, but which have:—

"Dictated the exception. First, the Act of Parliament for the Abolition of Slavery was passed on one of those unfrequent and momentous exigencies in which, although the Colonies are the immediate scene of action, the interests of the empire at large are directly involved, and in which, therefore, the right of interference though usually dormant is unavoidably called into activity. On such an occasion, Parliament might with indisputable propriety have pursued the general principles which it established into the most minute of the details by which those principles were to be rendered effective. The motive for transferring to the Colonial Assemblies, the office of introducing those subordinate rules are explained in the 16th section of the British statute. It is there stated, that 'such regulations could not without great inconvenience,' have been otherwise made. The delegation of this power involved the right to resume it if it should at any time appear, that the General Assemblies failed to give complete execution to the design of the Supreme Legislature."

That is one reason:—

"Secondly. The Abolition of Slavery and the subordinate measures required to render it effectual, present a course of events altogether peculiar and anomalous; that great Act was

nothing less than a national compact of which Parliament was at once the author and the guarantee, binding the people of the United Kingdom to the payment of a grant of unequalled magnitude; it also bound the emancipated slaves to contribute compulsory labour for several successive years, while it imposed upon the Assemblies the obligation of reconciling by proper laws, the duties of the negro population as apprenticed labourers with their rights as freemen. On the part of the British Treasury, as on that of the emancipated slaves, the agreement has been carried into complete execution. It follows, Parliament is, therefore, at once entitled and bound to enforce by its power, the performance of any part of the duty of the Assembly of Jamaica towards the apprenticed labourers, which that body may themselves have failed to fulfil."

His Lordship limits the interference upon this occasion to that particular subject, the subject of apprenticeship. Now, I beg your Lordships' attention to this reason:—

"Thirdly,—It cannot be forgotten, that the Act of Parliament authorized, and that the first act of Jamaica effected, a complete exclusion of the apprenticed labourers from the exercise during their apprenticeship, of their elective franchise."

Now, at the very time, this Prisons Bill is introduced, there is an end of the apprenticeship—there is an end of the exclusion of the emancipated population from the enjoyment of their elective franchise—they become entitled to enjoy it, and, of course, this reasoning founded upon their exclusion from it, fails as to the bill which is brought in, after that exclusion has taken place.

It goes on to say—

"It would not be difficult to accumulate other arguments in justification of the apparent encroachment which the Bill pending before Parliament when passed into a law will make upon the general principle of non-interference. But enough has probably been stated for my immediate purpose, which is to show, that this general principle is rather confirmed than impaired by this peculiar exception to it, because the exception rests upon grounds which it would be impossible to allege, but on an occasion as remarkable and extraordinary as that of the transition of a whole people from slavery to freedom. Having so far entered into an explanation of the motives which have influenced the conduct of his Majesty's Government, it is my duty to add, that the measure which has been adopted does not proceed on any imputation of misconduct against the General Assembly of Jamaica.

"Under the influence of these considerations the Bill has been studiously framed in such a manner as to leave the constitutional

powers of the General Assembly of Jamaica unimpaired. It is proposed to advance so far as the exigency of the case strictly requires, but not in the slightest degree to exceed those limits. How far the proceedings of the Assembly of Jamaica may or may not have been open to animadversion, is a question which, as it is not necessary, so perhaps it might not be fitting that I should discuss."

These, my Lords, are the sentiments, the just and proper sentiments, entertained and expressed by her Majesty's Government in 1836, and communicated to the Assembly, for I read the despatch from the votes of that House. How can the introduction of the Prisons Act be reconciled with those sentiments. The occasion, the persons—in short, the whole relation, which constituted the peculiar apology, or, according to the language of the noble Lord, which created the exception, the confirmation of the general rule, had ceased. I ask your Lordships to bear in recollection the sentiments conveyed by the despatch when you look at the conduct of the Jamaica Assembly in 1838, and consider what must have been the feeling naturally excited in that body, when, with this Despatch upon their table, they see the Prisons Act sent to them without a word of explanation, without any effort to correct or remove the impression under which the Government were distinctly apprised the Assembly would regard it. Not one syllable is addressed to the Assembly of Jamaica. No such Despatch as that of 1836, with relation to a Bill which, from its peculiar connexion with the Abolition of Slavery and the creation of the Apprenticeship, might seem not to have required this detailed apology.

My Lords, the people and the Assembly of Jamaica, when they saw the Prison Bill come before them unaccompanied by any explanation, could not fail to regard that measure as a wanton and uncalled-for interference with the right of internal legislation.

My Lords, what is the Act itself? It is, as regards any effective purpose, perfectly impotent; the Assembly alone could make it of any effect. Of course it did not proceed to levy taxes for the purpose of defraying the expense to which it would subject the Colony. But what will your Lordships say, when at the very time when this Prisons Act was passed, there existed an Act of the Jamaica Legislature, which is upon your Lordships' Table. It will be found among the printed papers—an Act of 1834, which the Marquess of Sligo on

three occasions speaks of as a most beneficial Act, the beneficial character of which Act is proved by this convincing fact, that when the Governor, under the authority of the English Prisons' Act, proceeded, with the advice of his Council, to make Regulations for the Gaols, the Regulations which he adopted were, with scarcely any variation, the Enactments contained in this Act of the Jamaica Legislature, and which Act is still in full force.

My Lords, if you are told, that there was a necessity for this interposition of Parliament in respect of Jamaica, I answer, the Jamaica Act in existence contained regulations so beneficial as to have been adopted by the present Governor in Council, under the authority of the British Act of Parliament.

My Lords, was there any disinclination on the part of the Assembly to take up the subject of Prison Discipline, or to take the necessary means for erecting Gaols? My Lords, the whole course of their proceedings from 1832, when her Majesty's present Secretary of State for the Colonies was Governor to the period of 1838, when they separated, after having put an end to the apprenticeship, clearly and indisputably demonstrates a perfect readiness on the part of the Assembly to enter upon this subject.

The Assembly, not merely in language but in Acts, evinced that readiness. They passed that Law of 1834 which was extolled by Lord Sligo, and the Enactments of which were adopted by Sir Lionel Smith. My Lords, the Assembly did not content themselves with passing Laws for Prisons, but they raised money to defray the expenses which would be incurred in erecting them. In consequence of a recommendation from Lord Sligo, they passed an Act, by which the sum of 42,000*l.* was raised for this purpose. But this is not the whole of the case which I have to present to your Lordships on this part of the subject. The conduct of the Government, and all the communications made by the Governor to the Assembly, were calculated to induce a belief, that it was not expected on the part of the Government that there could be any further measure on the subject of Prisons until the year 1840, when that Prisons Act would expire. My Lords, the then Secretary of State for the Colonies expressly says in one of his Dispatches to the Governor, that it will be in 1840 (the Act was passed to continue until the 31st of

December 1840), it will be in 1840, that you will have to bring under the consideration of the Assembly the subject of the Prisons.

My Lords, towards the latter end of 1837 there arrived in Jamaica a gentleman of the name of Pringle, who had been sent expressly on a mission to the West India Colonies, for the purpose of ascertaining the state of the Gaols, and of suggesting measures for their government and improvement. In his Report on Prisons, page 11, he makes the following statement—

“The Houses of Correction at St. Ann's Vere, Savanna la Mer, and Montego Bay are not fit for Prisons. The two latter have indeed been condemned, and funds voted by the vestry for new buildings. The plans for intended prisons at these two places were shewn to me, and as my opinion was desired, I suggested the postponement of the expenditure of so much money, until the plans approved for the construction of new Prisons in England could be forwarded, or until some general system was adopted.”

Therefore, so late as the end of the year 1837 your Lordships perceive the Government Officer in the Colony distinctly telling the people, that the expedient course was to suspend the expenditure of money until his report had been made, and until some general scheme had been devised. My Lords, the Assembly was allowed to meet again in the early part of the succeeding year, without any communication having been made to them of Captain Pringle's Report. They, however, proceeded to appoint a Committee. The Chairman of that Committee was a person of the name of Jordon, a gentleman of colour, of considerable talent and great respectability. He has stated in his place in the House, that he had anxiously devoted his time and attention to this subject, that he had framed a Prisons Bill, and that in truth nothing but the arrival of the Prisons Act, in the Autumn of 1838, put an end to the progress of his labour. He saw then, that it was quite impracticable for him to proceed, after that measure had been passed.

My Lords, thus then, the whole conduct of the Jamaica Assembly, in relation to its legislation for Prisons, as far as it had taken place, was unexceptionable, and as regarded their inclination and readiness to proceed further, there is abundance of proof, if the desire of the Government is to be inferred from their conduct and communications, and from the conduct of the Com-

missioner sent out by them, that immediate legislation on the subject of Prisons was not contemplated—was not desired by the Government. Indeed, one of the communications expressly states, that nothing was to be done until condensed and prepared plans had been submitted to the Assembly.

Now, My Lords, I ask, why was the Assembly allowed to meet without receiving any explanation of the causes which had induced the Government to introduce the Prisons Act, or any excuse for its introduction, without any one topic being addressed to them for the purpose of satisfying them that the introduction of the Prisons Act rested on peculiar grounds? Why was not a course adopted similar to that which with so much propriety and judgment was adopted in 1836, when the then Secretary of State sent out his apology and the apology of the Government, even for the introduction of a Bill to revive a former Act which had been passed by the Assembly, on the subject of the apprenticeship, and expressly disclaimed the principle of interference except in such a particular case, and on such a particular ground as that which he there assigned.

Your Lordships will not forget that the Government had been apprised of the impression which that Act would produce in Jamaica. But, my Lords, what excuse can be given for the conduct which the Government pursued towards the Assembly when they became acquainted with what had passed in November. Your Lordships will scarcely believe it possible that to this hour the Assembly has been left without any explanation, without any answer to the appeal which they made to their Sovereign; an appeal made under circumstances which well warranted it.

My Lords, to this hour the Assembly of Jamaica remain uninformed of the principles upon which they are to hold their Constitution. No answer has been given to their appeal, but the Governor acting, of course, under instructions which he had received from the Government here has kept them continually in prorogation.

My Lords, the moment the Government became apprised of these resolutions, and of this appeal, they should have instructed the Governor to have met the Assembly, and to have conveyed to them from the Government sentiments corresponding with those which are so justly and eloquently expressed in the Despatch of the 31st of March, 1836. The Assembly should have

been afforded an opportunity after they had been distinctly apprised of the grounds on which the Prisons Act was introduced, and that the Government disclaimed any intention of interfering with their right of internal legislation of resuming the exercise of their legislative functions. My Lords, it is with great pain I say, that the absence of any such communication compels me to form this conclusion, that if it were not the settled design of Her Majesty's Government to bring on this crisis in Jamaica, to goad the people of Jamaica into that very position of which they might hereafter take advantage; the conduct of the Government has been precisely that which would lead the Assembly, the people of Jamaica, aye, and any and every person who looked at that conduct to believe it was their settled design.

My Lords, if it be a proposition fit to be submitted to Parliament, that legislation by Assemblies in the Colonies ought not to be retained, but that it may with greater benefit be exercised in Downing Street, then, I say, the Ministry should honestly call upon Parliament to adopt that proposition; if it be a principle that can be sustained that your fellow subjects in your colonies may be put out of the pale of the British Constitution and of a Representative Government, let the Ministry boldly call on Parliament to sanction it. But, so long as you leave the Colonies in possession of their legislative rights, deal with the Assembly in a spirit of candour, and justice, and conciliation. Let not your policy be such as to provoke them into conduct of which hereafter you might take advantage by saying they had suspended their functions, and call upon Parliament to destroy that branch of the Legislature and create a new form of Government.

My Lords, the effect then of the conduct of the Government has been to leave the Assembly in a situation in which they have just grounds of complaint; an advantage has been taken of that situation; a sense has been affixed to the language of their resolutions which in older and better times no Minister ever dreamt of affixing to it, even where the cessation of their business of legislation had continued for a much longer period.

My Lords, I would humbly ask your Lordships whether the assertion by the Assembly of their impression, even if that impression were erroneous, that their right of internal legislation had been invaded by the Prisons Act, whether their appeal

under the influence of that impression to their Sovereign can constitute, in your Lordships' judgment, a ground upon which you can inflict upon the people of Jamaica the penalty of having their Assembly superseded altogether, or the exercise of their functions permitted to be retained under restrictions which make the existence of the Assembly a perfect mockery, a perfect insult to those who may continue Members of it. My Lords, I put the case upon that ground. I say that the conduct of the Assembly in the expression of their opinion would not justify the severe measure to which Her Majesty's Government have resorted. But if the conduct of the Government has been such as to lead to an inference that it originated in a design to irritate and to provoke the Assembly into a position which might afford a pretext for the infliction of this punishment, your Lordships will indignantly reject the measure which is designed as that punishment.

My Lords, if the question be whether this Bill is justified by the conduct of the Assembly of Jamaica, I fearlessly appeal to your Lordships' justice—I am sure your Lordships' decision must be, that no case of misconduct has been established, no pretext exists; there is nothing in the language of the resolutions of the Assembly which will justify your Lordships in passing this Bill.

But, my Lords, are you required to legislate by this Bill upon the ground that some inconvenience or injury may be sustained without that legislation, in the event of the Assembly not resuming their legislative functions? My Lords, it is indeed an extraordinary proposition that the Parliament should, at the sacrifice of the rights of the people of Jamaica, relieve the Government from an inconvenience which the Government had by its own conduct created, and by which inconvenience it inflicted a great wrong.

My Lords, I say, that if there be inconvenience and if it had created an urgency with respect to this measure, the Government itself originally caused that inconvenience and has continued it. Yes, my Lords, it is to be imputed to the Government the Assembly was not in the exercise of its legislative functions, three months after they had been apprised of the resolutions of November. My Lords, if the Packet of that month had conveyed an answer to the appeal of the people of Jamaica, expressed in the language and evincing a spirit of conciliation, that

answer would have been received by the Assembly in a corresponding spirit. Legislation would have been resumed, the entire business of the Session would have terminated, and neither House of Parliament would have been called upon to endure that so great an outrage should have been offered to the principles of justice and to the Law and Constitution of Great Britain as the introduction of this Bill.

But, my Lords, does there exist the inconvenience, or is there the urgency which should require your Lordships to sanction so great a wrong as that which the passing of this Bill would inflict? I am prepared to shew your Lordships, that there exists no such inconvenience, and that there is no such urgency as has been pretended.

My Lords, I will address myself to the subject of the three Orders in Council, referred to in the first clause of the Bill. I must take care to guard against that misrepresentation of my opinion of those orders, and of the first clause which I encountered in another place. Having exposed the monstrous principle of placing the Assembly under such restraint as to have no free deliberation on subjects perfectly new, very complicated, requiring much local practical knowledge, and giving occasion for fair and honest difference of opinion, I considered that such a clause carried upon the face of it, its own destruction, that it required nothing more than to state its effect. The objection to the principles of such a clause could receive no additional force from a critical examination of the details of these Orders in Council. I was supposed, therefore, to have had nothing to say against those details—an inference certainly most erroneous.

My Lords, with respect to one of the subjects referred to in the last clause, the Law of Vagrancy, it is said, that the provisions of this Order in Council are required for two purposes—first, to abrogate laws now in existence which are oppressive, and secondly, to substitute other laws of a character better adopted to the present state of society.

My Lords, Sir Lionel Smith in a communication to the Secretary of State for the Colonies on the 10th of September furnished a pretence for representing that the immediate abolition of those laws was required. After having complimented the Assembly when they separated in June, for putting an end to the apprenticeship, his letter says, in page 83. "Then I beseech your Lordship to look to the

provisions of the local Vagrant Act unrepealed, 35th Car. 2. c. 11. This Act was introduced against the lawless soldiery of Governor Doyley, and many violent Planters are now rejoicing in the power it gives of flogging free men from Parish to Parish, and there is an improvement in its penal powers by the 32nd Geo. 3rd, c. 11, still unrepealed, which adds six months hard labour in the House of Correction." Then, my Lords, he says, "Your Lordship bids me apply to the Legislature to repeal these frightful laws. If I should apply in vain and in the midst of freedom, we have still terrific engines of oppression and tyranny preparing for the emancipated population."

Now, my Lords, to begin with his prediction of *the use of these terrific engines*. His letter is written on the 10th of September. Fortunately, as the Secretary of State had called upon him to make Returns of all convictions under the Vagrant laws, or for breaches of contracts, we have the returns made by him to the question "What convictions have taken place under the Vagrant laws," and the answer is, "with the single exception of a person who was found at Montego Bay sleeping in the street—Nil." Those Returns comprise the whole period from the termination of the apprenticeship to the end of December. There was not a conviction nor a prosecution under that Law. And for the plainest of all reasons. The 35th of Charles the 2nd, c. 11, is repealed by the next Act, the 32nd of George the 3rd, c. 11. The principle upon which the virtual repeal of such statute has taken place is familiar to every lawyer.

My Lords, in order to excite attention to the provisions of the Law, reference was made to a clause in the Act of the 32nd Geo. 3rd, c. 11, by which it was provided, that white persons were to be separated from persons of colour and slaves. Now, my Lords, that clause is also repealed by that section of the Jamaica Prisons' Act which directs the classification of prisoners, and recognizes no other distinction but that of sex, or of offences or cause of imprisonment. But it is also repealed by the Act of 1831, which places the free coloured population, and consequently, the recently emancipated negro population on the same footing, and confers on them all the same rights, privileges and communities which are enjoyed by white persons. That law abolished every distinction whatever founded on colour,

These laws, therefore, do not exist, and I will take leave to say, from no inconsiderable practice at the Jamaica Bar (having held the office of Attorney-General for twelve years), that I never knew an instance of an attempt to proceed under the Act of Charles 2nd and I am ready to prove at your Lordships' bar that, in point of fact, there never was a prosecution under that act.

I believe there is not a lawyer in Jamaica, if his attention were called to the effect of the two laws upon each other, who would not at once pronounce that the subsequent act had repealed the act of Charles 2nd.

My Lords, I know the Chief-Justice of Jamaica, in answer to an abstract question which was put to him, which is to be found in this volume, "What are the laws in force upon vagrancy?" mentions those two laws. But if the Chief-Justice had been asked to consider the effect of the enactments in the second act on those contained in the first act, and applied to that consideration the rules of law, which are laid down in the adjudged cases, he could not have arrived at any other conclusion as a lawyer, than that although both acts were found, in the Statute Book and that there was no express repeal of the past act, yet it was as virtually and effectually repealed by the second act as if there had been an express repeal.

My Lords, then I come to the supposed necessity for substituting a new law. Now this is a law in restraint of the negro for the benefit of the planter. My Lords, vagrancy, as it is understood here, and as it is intended to be prevented by the order in council, scarcely exists in Jamaica. Who is in the habit of seeing persons wandering about begging? I scarcely recollect an instance of it. A peasant with a good house and good grounds, from whence he can derive with common industry and a very small portion of labour between 30*l.* and 40*l.* a-year, is not likely to be a vagrant. He may sit down in his house, or loiter in his grounds, without working, but you cannot call him a vagrant. But if a law of this kind were necessary, which is obviously intended for the interest of the planter, I ask whether great weight is not to be given to the fact that the great body of Jamaica proprietors in this country are opposed to this law, and consider that no possible benefit which they could derive from its immediate enactment would be an equivalent for the

actual and still greater injury they would sustain by enacting it through the intervention of Parliament, by the creation of a new power, and consequently at the sacrifice of that Constitution which is their great security. They do not ask you to pass this law which is to benefit them. But, on the contrary, they will powerfully address your Lordships by their counsel and deprecate the adoption of this bill.

My Lords, I will next refer to the law respecting the relation of master and servant. My Lords, the Assembly in their address, in answer to the Governor's speech, admit the importance of a law on this subject.

But as to the law in this order in council, the contract law, it may be suited to the Crown Colonies, although I have been told that it does not work well in the colony of British Guiana, but I know that it is not adapted to the state of Jamaica, and that it is inapplicable to the circumstances of that colony.

My Lords, look at one provision of this extraordinary order in council. I am one of those who believe (and I speak from no inconsiderable experience of the negro character) that in this scheme of contracts between master and servant, neither the real interest of the negro population nor that of the employer is consulted. But this I know, that in consequence of the interposition of the Baptist Missionaries in the colony of Jamaica, the negroes have been taught not to sign written contracts. They have been told not to commit themselves by writing, and yet no contract for hire is to be valid beyond four weeks, unless it is reduced into writing.

But, then, there is another provision which would be fatal to that order in council, it would prevent the Assembly of Jamaica from looking at this bill—no contract is to be valid unless it is entered into in the presence of a stipendiary magistrate. What the Assembly pass a law conformable to that order in council, and provide that a stipendiary magistrate must be an essential party to every contract? And then the next packet bringing out a communication from her Majesty's Government, calling upon the Assembly, inasmuch as they have now recognized the appointment of these Assemblies, to provide salaries for them.

My Lords, that system must undergo an immediate revision by her Majesty's Government, or Jamaica will become a perfect wilderness and waste. It is impossible

that that relation which you desire to cultivate between the employer and the labourer can exist under the present system. The day must come, I hope it will not come too late to render any remedy effectual; but the day will come, when there must be an account given of the policy which has been adopted towards the colony of Jamaica and some of the other colonies since the emancipation. Some satisfactory answer must be given to all those representations to the Government which have been made by men of all parties of the greatest influence and character connected with Jamaica, but made, I grieve to say, in vain.

My Lords, there is another singular provision in this contract law. It is not valid unless made in the Colony. Do your Lordships suppose that any labourer or mechanic in Europe will go out to Jamaica or to any other colony unless he has the security of a previous contract? Well, my Lords, he has entered into a contract with the person who is desirous of employing him. It is binding during the voyage. But the employer, who has paid the expense of his passage to Jamaica is at his mercy when he arrives—there he has no power to compel him to enter into a written contract. He leaves his employer. The expense of his passage to Jamaica is lost to the person who has paid it. But it seems it has been told the Government that scheme may answer in Demerara or in the smaller Crown Colonies. Be it so. But what argument does this afford in favour of its working well in Jamaica. You are dealing with a large Colony in which cultivation is scattered over the whole of an immense tract of country. Every person knows with respect to the cultivation of British Guiana, that it does not run from the coast above ten or fifteen miles, and that, in fact, the whole range of cultivation is almost immediately within personal inspection. But it is far otherwise, with respect to the cultivation of the Colony of Jamaica.

Now, with respect to the illegal occupation of lands. Here, again, is a most extraordinary misconception on the part of the persons who have fancied that this law is requisite. My Lords, you have a provision in the Slavery Abolition Acts, another provision in the act passed on on the subject of ejectments, in 1834, and another provision in the act for the abolition of the apprenticeship, and each of these provisions affords

a complete remedy for that illegal occupation of lands which is intended to be provided against. The ejectment of the negro labourer from those grounds which he had occupied upon giving him three months previous notice, is effectually secured by the existing laws. My Lords, the Attorney and Solicitor-General of this country, in their printed opinion, properly referred to those laws as they unquestionably are in force, and as furnishing a suitable remedy.

But with respect to the illegal occupation of other lands, the provisions which are contained in this order in council betray an extraordinary degree of ignorance of the actual condition of those lands. My Lords, those lands have been granted to individuals by patent, and consist of wood and are uncultivated. Their boundaries have either not been run, or, if run, not perfectly distinguished or frequently disputed. Under the provisions of this act a stipendary magistrate would be invested with a jurisdiction to try some of the most difficult and complicated questions, namely, those which involve disputed boundaries, upon which the negroes might have made a settlement.

My Lords, I defy this law to effect the purpose which is contemplated, or to effect it without doing manifest injustice to the person who may be the lawful owner of those lands, or entitled to them as being included within the callings of his patent. His title may be good, but he cannot sustain that title against a possession which may have been acquired without his knowledge, for that possession would completely protect him from being dispossessed under this law.

My Lords, in concluding my observations on the first clause, I beg to state, that in addition to the objection which I have urged against the principle of that clause, there are these objections arising from the character of the subjects upon which the Assembly are to legislate under this restriction which justify me in expressing to your Lordships my firm persuasion—my candid conviction, that the Assembly will not, and, I take leave to say, ought not, to resume the exercise of their legislative functions, if that clause remain in the Bill.

My Lords, I have now arrived at the second clause of the Bill, which invests the Governor with the power of re-enacting certain temporary laws which expired last year. They are of two descriptions.

I have stated to your Lordships, that there are seven of those laws by which taxes are imposed, and the proceeds of those taxes appropriated. Now, my first proposition, which I state as the correct result of a careful perusal of those temporary tax acts is, that although these acts are expired, yet, that under other acts which are in force, a revenue is raised, more than sufficient to meet the ordinary exigencies of the civil government of the Colony. Your Lordships, therefore, are not called upon to revive those tax-acts from any necessity of furnishing a revenue before a certain period. Indeed, I do not suppose that this necessity will be alleged on the part of the Government—I know, that not many weeks since, the Secretary of State for the Colonies did not believe that such necessity existed. Indeed, it cannot be urged, consistently with the actual state of the revenue laws of Jamaica.

My Lords, I am exceedingly desirous that your Lordships should be fully in possession of the character of these acts, and of the revenue which is at the disposal of the Government; I therefore entreat your Lordships' attention to them. The first is an Act imposing a duty on tonnage, and for regulating how the duty payable on gunpowder is to be received. Now it may be supposed, in the Colonial Office, that this is the tonnage duty which produces 25,000*l.* per annum. It is not so; but it is a duty which is paid upon each vessel entering and clearing the island, as a substitute for a certain quantity of gunpowder which, under the revenue act of 1st George the 2nd, chapter 1, every ship was obliged to deliver in kind. This tonnage duty produced about 2,700*l.* Now, what is the effect of this law having expired? Why, instead of this duty being paid in money, under this Tonnage Act, it would be paid by the delivery in kind of the gunpowder, under the permanent Revenue Act of 1st George the Second, and the consequence is, that a person who is bound to pay it in kind will prefer paying the duty in money. So that, in truth, that branch of the revenue is still existing, only in a different name, and under a different law.

My Lords, the next Acts are, the 1st Victoria, c. 8, for laying an additional duty on all wines, brandy, rum, &c., the 1st of Victoria, chapter 11, for laying a duty on goods, wares, and merchandize, not being the growth, production, and manufacture of the United Kingdom. My Lords, the duties imposed by these two expired Acts,

also exist under laws which are still in force, as, for instance, part of those duties are imposed and leviable under that permanent Revenue Act, to which I before called your Lordships' attention, passed in 1728, 1st George the 2nd, chapter 1. The rest of the duties are, when no Colonial Act is in force, levied under an Act of the Imperial Parliament, passed in the 3rd and 4th of the late King, chapter 59. The duties levied under that statute of the Imperial Parliament, being payable to the receiver-general, are applicable under the general laws which are still in force, and which appoint and provide the salaries of the servants of the Government, namely, the Governor and judges, the clergy and others.

My Lords, the next Acts are those of the 1st of Victoria, chapter 12 and chapter 19, for laying a duty on all horned cattle, and on horses. Now, the duty which is raised on the former of these Acts, is about 184*l*. The duties are imposed by these Acts, not for the purpose of raising a revenue, but to operate as a prohibition upon the importation of cattle into the Colony, to the prejudice of those who breed cattle there. Now, when your Lordships have a petition from any of the proprietors of Jamaica, who are suffering from the non-existence of these Acts, it will be time enough to talk of their expiration as a grievance, and call upon Parliament to interpose for its redress.

My Lords, the amount raised under the Land Tax Act is about 23,000*l*., but your Lordships should be aware, that the money which is raised under the expired Act of 1837, did not become payable till after the 15th of September, 1838; consequently, the proceeds of that tax were applicable to the expenses of the year in which we now are.

The same observation applies to the Act for levying a tax upon live stock, and upon trade. These seem to be the only two sources of revenue which are raised alone under expired Acts. All the other sources of revenue are raised at this moment under Acts in existence, namely, the Permanent Revenue Act, and the Act of the Imperial Parliament.

Now, my Lords, this result is plain, from the state of the Revenue Acts. The tonnage duty does not expire till 1843. Under that Act, the sum of 25,000*l* is raised. Another source of revenue is the Stamp Act, under which the sum of 20,000*l* is raised. That Act does not expire till the 31st December, 1839. My Lords, I have just now mentioned

45,000*l* still raiseable under existing laws. To that I add the surplus of appropriated revenue. To make that intelligible to your Lordships, you should be aware that the amount raised under the Permanent Revenue Act, specifically appropriated, is 10,000*l* per annum, that is, 8,000*l* under the 1st Geo. 2, c. 1, and a further sum of 2,000*l*., under a subsequent Act, but the amount of the duties, which were intended to raise that sum, produce a great deal more than 10,000*l*. The excess produced beyond what is appropriated by the Permanent Act, is 18,000*l*. This sum is applicable to the other public services of the island. You have, then, 63,214*l*.

My Lords, there is an Act passed last year, imposing a further duty on exports and imports. That Act produces 60,000*l*. That Act does not expire till the 31st December next. You have, then, 123,214*l*.; but I have a right to take the 10,000*l* of the permanent revenue, because that contributes 2,500*l* towards the Governor's salary, and it also contributes a sum towards the Forts and Fortifications. I have, therefore, to add the additional duties which are raised under the British Act, which amount to 60,000*l*., and I have also to add those different duties, which I mentioned just now, amounting to 72,000*l*., which would bring an amount of actual revenue at the disposal of the Government, applicable to the payment of the Governor, judges, clergy, and all public officers of between 200,000*l* and 300,000*l*.

My Lords, there is no pretext, therefore, for saying, that the immediate want of revenue requires the re-enactment of the temporary Money Acts, because there exists, without these expired Acts, a revenue adequate to the purposes of defraying the expenses of the civil Government. There may be individual creditors, whose demands are unpaid, but the faith of the Assembly is pledged to their payment by that resolution, in which they contemplate them, as well as all civil servants, and those persons rely upon the performance of that pledge by the Assembly. They are not the persons asking your Lordships to destroy, or suspend, or impair the functions, or discredit the character of the Assembly. They regard that body, as representing them, and as their sure protection and safeguard. My Lords, you do not want this Bill; you need not violate the constitution of Jamaica for the purpose of raising a revenue to answer the immediate purposes of Government.

Then, my Lords, with respect to the other Acts, which are not Acts imposing duties, I take leave to assert, that there is no one of those expired Acts of such nature as to create a necessity for its revival by the Governor in Council. There is not one of those Acts, in respect of which the public can sustain any injury whatever, whether it be revived in the next six months, or in the next twelve months.

The first of these expired Acts is the Act for establishing the rules and articles of war. In the first place, that Act is never in force, by an express enactment which it contains, except in martial law. Martial law can be proclaimed only by the Governor. The rules and articles of war apply only to the militia, and the militia cannot be called out without the authority of the Governor, and the Government considers the militia not a proper force to retain. Therefore, they cannot complain of the non-existence of this law.

My Lords, the next Acts are the Act appointing Commissioners to inspect the books of the Receiver-General, and to inspect the public accounts, and the Act appointing Commissioners to superintend public buildings in the Island, which are annual Acts, and the Act appointing Commissioners of Forts and Fortifications, which is a triennial Act. Now with respect to these three Acts, I believe no one who has the slightest acquaintance with Jamaica can gravely assert in this House or elsewhere that any injury would be sustained from those Acts continuing unrevised for eight months longer. For what are those Acts? Under the Act appointing Commissioners to inspect the books of the Receiver General, the only Commissioners are the members of the Assembly, but they have no power to raise money, and they have no power to apply money which has not been previously voted by the Assembly. The Board of Works and the Commissioners of Forts and Fortifications consist of the Governor, Council, and Assembly, but their powers are strictly confined to the application of money which has been previously voted by the Assembly. The Commissioners have no power whatever to apply one farthing or to contract any engagement which has not been previously sanctioned by the Assembly.

My Lords, I have heard it said, that all public works were suspended in consequence of the Act having expired. This could not be. If the public works had been commenced, they must have been

commenced under the authority of a previous law, and the contract entered into would be still subsisting, and the contractor in executing those works could sustain no prejudice. The Commissioners of Forts and Fortifications are in the same situation as the Commissioners of the Board of Works. They are limited in their powers—they can advance no money which has not been previously sanctioned by the Assembly.

My Lords, it has been said, that there was no person to superintend the public buildings. I answer, the Island Engineer and Surveyor of Public Works, still hold their offices and execute their duties, for they are not dependent upon these expired Acts. These pretexts are too puerile to deserve any serious notice. Is the Government prepared to show that any calamity has befallen any public building in Jamaica or that any injury has resulted or can result from these laws having ceased to be in operation since the 31st December last.

Then comes another Act—an Act in aid of the 5th of William the 4th relating to the registry of fire arms. There are two very strict coercive Acts still in force for the purpose of preventing the improper distribution and use of fire arms. The 6th of William the 4th, chapter 30, which continues in force till the 31st of December, 1840, is fully adequate to guard against every evil, although the clerk of the peace might not be obliged in consequence of the expiration of the other Act, to transmit to some public officer a list of those particular arms in his possession.

My Lords, another expired Act, the Clergy Act, 6th of George the 4th, chapter 17, was first passed for seven years, and has since been continued by Acts from year to year. That Clergy Act consolidated all the previous clergy laws and repealed them. This Act which has consolidated and repealed them having expired, the former laws revive, and under the former laws the Clergy, and Rectors, and Curates, receive the same stipends which they would receive under this consolidated Act, if it had not expired. The Bishop and Archdeacon are not dependent upon this Act for their salaries, because they are paid by the Treasury of this country. They hold both their appointments under their patent. So that, in fact, the Clergy as to their stipends and duties are precisely in the same situation as if this law had not been passed, and they were receive-

ing their stipends under the old law. The expiration of this Act has not produced, nor could it produce, any inconvenience to either of these persons. There is no one provision in that Act in relation to the execution of process issuing from the Court of the Bishop which could not, if required, be enforced by the authority of the Supreme Court of Judicature of the Island.

The next Act which expires is, the Petty Debt Act. It is a law of rather modern date. It was passed in the year 1834. It gave to two Magistrates cognizance of debts to the amount of 5*l.*, which was subsequently increased to 10*l.* But do your Lordships suppose, that there is no jurisdiction in Jamaica which can take cognizance of debts of a small amount, and that creditors for those sums are obliged to go into the Supreme and Assize Courts? In the first place, to the extent of 40*s.* a single Magistrate has authority; and in every parish in the Island, except the precinct of St. Catherine, where the Supreme Court is held, there are Courts of Common Pleas which have cognizance of debts to the amount of 20*l.* So that there is not a failure of the ordinary jurisdiction to which suitors might resort for the recovery of small debts, as it would seem, was supposed by those who put forward this law as one which it was of the greatest importance should be re-enacted.

My Lords, I come now to the Process Law, and I was very much surprised to hear it said by persons who ought to know better, that in consequence of the expiration of this law, there can be no Court sitting—no juries convened—and that, in short, the Courts will be shut up in Jamaica. My Lords, so far from that being the case, the Courts are continually sitting, and would continue to sit, even if this law was never re-enacted again. My Lords, what are the enactments of this law? There are some of them which if the Governor, with the advice of the Council, exercises the power of re-enacting them will present a strange appearance in these days, for there are many clauses which make provision for the manner in which slaves are to be sold by the Deputy Marshal. Of course those are inapplicable. He is not to revive those clauses, but what are the other provisions? My Lords, with respect to all the provisions of that Act, they partly relate to the regulations of the duties of the Provost Marshal, and his deputies, and the Clerk of the Crown, and others, all of which I take leave to say,

the Court itself, even if there were no Act whatever, could make for the regulation of those who are its own officers. It possesses authority independently of that Act. There is no authority given by that Act, which the Court might not exercise, if that Act be never re-enacted.

My Lords, that law contains a provision as to the manner of obtaining the names of persons from whom the panels of juries should be formed. It provides, that the Clerk of the Peace of each parish shall transmit to the Provost Marshal before a certain day a list of the inhabitants of the parish in order that the latter may make out the panel. That list is to be made out after the 25th of March, and on or before the 20th of May. The panel is to serve for the three Assize Courts following, and that made under the expired Act has been in use for every Court that has been since held. Nay, further, if this law were never re-enacted, the Provost Marshal, independently of this Act and at common law would, under the authority of the Court, execute the venire. He must summon a jury by serving a notice on a sufficient number of persons to attend the Court. He must return persons qualified by law; of those persons he makes the panel under the inspection and control of the Court. If this process law were not revived for the next two years, he would look at the list which the Clerk of the Peace had transmitted already or he would, at his own expense, employ the Clerk of the Peace to make a list of the inhabitants qualified to serve on juries. The return which the Provost Marshal would make to the Court, and from whence the panel would be formed, would be of the same description and procured in the same way as at present, and the Supreme Court would, of its own authority, secure such a return as would answer the urgency of the venire, and at the same time not be burthensome to individuals.

My Lords, the next is the Act for the relief of Insolvent Debtors. Under this Act, the debtor obtained his discharge only upon the condition not merely of being in prison, but of delivering up all his effects—the creditor has no motive for sending his debtor to gaol if he cannot obtain the distribution of his effects, but he has a motive for not sending him to gaol; because, if the debtor has no property, the creditor is subject to the burden of supporting him in prison. There

is no inducement to send a debtor to prison, nor is there any inducement for a debtor to enter a prison for the purpose of fraudulently taking the benefit of the Insolvent Debtors' Act.

My Lords, the last of the expired Acts, the Police Act, which was introduced in 1834, and which expired on the 3rd of December last, as it is an annual Act; now, my Lords, I beg leave to say, if it is intended to be represented that the island is left without a constabulary force, that is not the fact. There is an Act, quite independent of the Police Act, (the 4th William 4th, cap. 59), which gives enlarged powers to the Justices of the Peace, to appoint the requisite constabulary force. I find that Lord John Russell, in his despatch of the 15th of February last, speaking of all the Acts that have expired on the 3rd of December, 1838, says:—"On looking them over, I find none, except the Police Act, the want of which may occasion immediate danger, and I trust that this will have been obviated by the means you propose to adopt for substituting a constabulary force on a small scale, in lieu of the former Police."

My Lords, we are now at the end of the month of June. We have heard of no tumult, we have heard of no violence or insubordination which required this police establishment to suppress. Sir Lionel Smith himself suggested, and no doubt adopted his own suggestion of another and adequate civil force. It cannot therefore be represented to your Lordships, that the expiration of this law furnishes a ground upon which you could be justified in retaining this clause of the Bill.

My Lords, I have now concluded my description of these temporary Acts—of which this Bill gives you no description, and conveys to you no information. I submit to your Lordships with perfect confidence, that your Lordships' interposition, would not be warranted by the want of the provisions of any one of these temporary Acts. Danger there is none, inconvenience there is none, pretext there is none, to require that your Lordships should invest the Governor of the Colony, with this unconstitutional power of reviving any of these temporary Acts. But I repeat, that if there were danger, if there were inconvenience, if there existed a pretext, it was created, and has since been, and is now continued by the Government.

My Lords, when I was dealing with the pretence, that there was an urgency for

the enactment of those subjects of Legislation which are mentioned in the first clause of the Bill, I ought to have brought to your Lordships' attention the unparalleled injustice of the Government in resorting to that pretence, I ought to have reminded your Lordships, that this same Government had prohibited the Assembly from previously legislating on these subjects. Yes my Lords, under the recommendation of the Select Committee of the House of Commons on negro apprenticeship in 1836, her Majesty's Government conveyed to the Governors of the Colonies, and through them to the Assemblies, their opinion, that on every account it was desirable, that legislation on all subjects affecting the future condition of the emancipated population after they had ceased to be apprentices, should be postponed as near as possible to the period of the termination of the apprenticeship. The Report of that Committee contains this strong language. "In conclusion your Committee would observe, that it appears to them to be most expedient, that such enactments as are intended to come into operation after 1840—" (that being the period fixed by statute for the termination of the apprenticeship), "should as much as possible be delayed till that period shall arrive—or at all events be postponed till the time that more immediately precedes it." Now will it not be an act of injustice the most flagrant which was ever committed, to make the urgency of new laws for the altered state of society in Jamaica, a pretext for subverting the constitution of that Colony when the Government has told the Assembly of Jamaica by its Governor, that they were not to pass laws of this description, but to postpone them until that new state of society was immediately about to commence. One other instance of injustice can alone equal it, and that is urging as a pretence for re-enacting by an unconstitutional authority those temporary laws, by which the Revenue is raised, that those temporary Acts have been suffered to expire, when in fact, the Assembly by their Resolution and Address, offered to re-enact, and would have re-enacted them, and would have raised the Revenue if the Government had not prevented them from doing so. It was the Act of the Governor who refused to let the Assembly proceed, who kept them in prorogation, and to the Governor and the Government, and not the Assembly must be attributed the fact, that these temporary Acts have not been

re-enacted, and the Revenue derivable from those Acts raised.

My Lords, it is impossible, that this conduct can receive your Lordships' sanction, and yet your Lordships are asked to regard that conduct as a justification of this Bill.

My Lords I would call your Lordships' attention to another singular property in this Bill, perfectly in keeping however with its injustice. Your Lordships are aware, that the power transferred to the Governor in Council is limited in its duration, namely to the operation of passing those Ordinances on these subjects; yet in defiance of every common principle of Legislation, although the authority be only temporary, yet the Ordinances made by that authority may be perpetual. The proviso giving power to the Governor, Council, and Assembly, of repealing the Ordinance, can answer no other purpose but that of announcing to the Assembly, that the Governor who has passed these Acts in his executive character, need not, and must not be expected to give his assent to the repeal or alteration of them, if it would be required by the other two branches of the Legislature. Is there any one so credulous as to suppose, that those who administer the Government, and who are pressing on this measure, will ever give permission to the Governor to assent to any Bill of the Council and Assembly, repealing or altering either of those Acts.

My Lords, there is another striking feature in this Bill. The people of Jamaica are left at the mercy of the Governor, or those from whom he receives his instructions to convene the Assembly or not, as he or they please, for this Bill does not even contain a provision to make it imperative on the Governor to convene the Assembly. My Lords, this is indeed unilateral legislation. Everything is introduced which is coercive, offensive, irritating, and insulting towards the Assembly, but nothing is introduced which can afford the people of Jamaica security against the oppression of a Governor, or the Government. I am not to be told, that the Government will of its own authority direct the Governor to convene the Assembly. Alas! the conduct of the Government has not rendered it an object of confidence in the estimation of the Assembly, or people of Jamaica. They will look at the provisions of this Bill; they will see that they are called upon to legislate, and will if

they resume their functions, legislate under the instructions which the Governor receives from the Government here. I cannot, nor will the Assembly ever forget, that it was the avowed desire, and object of that Government to suppress the Assembly entirely—that it was their avowed opinion, that legislation by Assemblies in the Colonies was not compatible with emancipation, and that any form of Government was better than a Representative Assembly. I cannot suppose, the Assembly and people cannot suppose, that having so pertinaciously adhered to those opinions, and so perseveringly pursued that object, as to bring forward this Bill, so strongly resembling in its obnoxious features that former Bill, which in obedience to the sense of the House of Commons, they had abandoned, I say my Lords, I cannot, nor will the people of Jamaica suppose, they will renounce those favourite opinions, that they can have any desire to see the Assembly convened, or that they would give such instructions to the Governor, as would afford the Assembly a fair opportunity of resuming their Legislative functions. It is impossible, that the Assembly and people of Jamaica, can regard with confidence those who have just struggled to carry a measure which destroyed the constitution avowedly, and are now struggling to carry this measure which if it does not destroy the constitution in form, does in substance and effect, for it renders the exercise by the Assembly of its legislative functions altogether, incompatible with that free agency, without which its existence as a branch of the Legislature will be perfectly nugatory, and indeed derogatory to the persons who remain members of it. But your Lordships will defeat this unconstitutional attempt by rejecting the Bill. There is no ground, no not even that of expediency, to justify you in passing it, if I could suppose it possible, that such a ground could sanction a measure which subverts a constitution by rendering it impossible, that one branch of that constitution could any longer be retained with advantage to the community, or with honour to those who compose it.

My Lords, I am persuaded, that your Lordships must feel that the Government has not entitled itself to call upon your Lordships to give effect to this measure, and that therefore your Lordships must, as I humbly hope you will, reject this Bill altogether.

My Lords, I take leave with great respect to say, that this is the only course which your Lordships can pursue, consistently with those principles of justice, and respect for the institutions which the Laws and Constitution of this country have created, which ever govern the proceedings of this House.

My Lords, if I have established a case which claims the exercise of your justice by rejecting this Bill I have accomplished all that my duty requires. But I cannot leave your Lordships' Bar without feeling and without asking your Lordships to feel the momentous consequences involved in the issue of your decision upon this Bill. My Lords if you adopt, or if you modify this Bill, and thus leave the Assembly discredited or degraded, or incapable of exercising their functions efficiently, because incapable of exercising them as free agents, you will have inflicted upon the people of the Colony an irreparable injury. Its injustice will not be the only complaint which will be made. It will have inflicted a wound fatal to the future welfare of that great Colony.

My Lords, there is no state of society, however refined in civilization which can stand the shock of a policy which has the effect of degrading the higher classes of society, and of implanting distrust and ill will towards them in the breasts of those who stand in a more humble and dependent relation. But my Lords, what must be its effects upon a state of society, perfectly new in the history of the world, where a great experiment has just been made, where the great mass of the population are labourers and dependents just advancing into a state of freedom, and making the first progress towards civilization.

My Lords, in such a state of society, common reflection would tell us that the aid of every moral influence which you can invoke is required, yet by this measure the Government would destroy a moral influence which could, and would exercise the greatest and most valuable ascendancy, because its tendency by degrading the Assembly, is to exhibit the persons of whom it is composed, as no longer deserving the confidence of those who have hitherto lived with them in the relation of dependents, and between whom there is subsisted feelings of kindness and confidence. A stigma is to be cast on them as not worthy to be intrusted with legislation, except under such restrictions as

import degradation and mistrust. The emancipated population are to be told by this Bill, that they are not to respect or confide in those with whom they are to live, and with whom they have to maintain in a kind and friendly feeling, that relation which is necessary, not merely for the cultivation and prosperity of the Colony, but which is essential to the happiness and welfare of the labouring population themselves.

My Lords, the effect of such a policy will be fatal to the acquisition of habits of industry, and fatal to the progress of civilization. It will end in the disappointment of the expectations, the just expectations of the people of England. It will end in a complete discouragement of the other nations of Europe and America to follow our example in putting an end to slavery. Capital will be withdrawn, the negro population may enjoy freedom and repose, but cultivation will have ceased, Jamaica will indeed remain, but she will remain only as a memorial, to tell you what the bounty of God had done for man, but what man's own folly and recklessness had prevented him from enjoying. Such, my Lords, will be the fate of this great colony, if this measure be adopted.

But let me turn to a brighter prospect. Let this measure be rejected by your Lordships, let her Majesty's Government be left to adopt as other Governments have done, a course of conciliation. Satisfy the people of Jamaica, that whilst neither the Imperial Parliament nor the Government will renounce the right or neglect the duty of interposing, when the legislation of that, or any other colony is not adapted, to or does not promote the interests of all classes, yet in the language of their address, that Her Majesty did not and does not wish to deprive them of their rights as British subjects, or of that internal legislation, which they have derived from the Constitution of Great Britain, and which for two centuries they have enjoyed.

My Lords, such a course adopted by Her Majesty's Government, such an answer to the appeal which the Assembly made to Her Majesty would induce that body honestly, honourably and cheerfully to resume the exercise of their legislative functions.

My Lords, that which has passed would be forgotten, or retained in their recollection only for the purpose of retaining those feelings of gratitude and attachment with which they will regard those of their

fellow colonists in this country, who have given them support, in resisting a measure so fatal to their interest. My Lords that support will not only excite gratitude and attachment, but it will secure for the advice and recommendation which those supporters may convey to the Colony that weight and influence on future legislation in Jamaica, which in the language of the resolutions of one of the meetings will satisfy the just expectations of the people of this country, and best promote the successful issue of the great measure of Emancipation. I firmly believe and everything I have heard from Jamaica, and from those who have recently arrived from thence, confirms my belief, that my anticipations of the manner in which such a communication from the Government would be received, are well founded. But if, contrary to those anticipations, if contrary to the just expectations which the great body of Jamaica proprietors here entertain, such a communication failed to produce this most desired termination of the present dispute, there is no possible injury that could take place in the three or four months which

must elapse, before Parliament would be re-assembled, and be enabled to make the necessary provision for the Government of Jamaica. Whatever might be the result, your Lordships would have abundant justification for the course you had taken. You would have acted upon the well grounded expectations which those connected with the Colony entertained and conveyed to you, but above all, my Lords, if you failed, if you were disappointed in your expectations you would have no cause of reproach. On the contrary, you would have the satisfaction of feeling, that the course you had taken was that which was most consistent with, and best maintained those sacred principles of justice, and of respect for rights and institutions conferred by the Law and Constitution which had rendered this House in the exercise of its legislative as well as judicial functions, the sanctuary of justice, and the never-failing refuge of those who invoke its protection from oppression and wrong.

I pray your Lordships to reject this Bill.

SERGEANT MEREWETHER, AT THE BAR OF THE HOUSE OF LORDS, JUNE 28, 1839.

MY LORDS,

AFTER the patient hearing which your Lordships have been pleased to give to the comprehensive and eloquent address of my learned Friend, the Agent for Jamaica, I must confess, I feel great difficulty in attempting to arrest your Lordships' attention for a short time, with respect to this Bill which, on behalf of persons resident in England, but connected with Jamaica, I am called upon to oppose.

It is impossible for me not to be sensible, that my learned Friend has so completely exhausted the subject, that I have, in truth, but little to add to that which he has advanced, and I am afraid that the little I I have to say, will have a strong tendency to weary your Lordships' patience. Nevertheless, I feel I have a duty to perform to my clients, which will entitle me to your Lordships' indulgence, while I endeavour, as briefly as I can, to draw your attention to the effects of this Bill. My learned Friend has so fully illustrated the nature of the Constitution of Jamaica, that

I shall advance to the consideration of this subject, upon the assumption that he has satisfied your Lordships that there is, in that Constitution of Jamaica, an inherent right to internal legislation, and that such right ought not to be needlessly interfered with by your Lordships. My Lords, I imagine that proposition will go a great way to show the impropriety of the present measure; and, therefore, before this august Assembly, both the makers and the expounders of the law, I shall not be guilty of the impertinence of adding any other prefatory remarks, but at once proceed to consider this measure with reference to its prominent features, the *preamble* and the *clauses* of the Bill.

My Lords, I am especially compelled to assert peremptorily the inherent right of legislation in Jamaica, which I have before assumed, because I find, in the *preamble*, there is a *necessity* alleged for interfering with that right; and, upon that *necessity* the Bill seems to be founded.

Now, my Lords, the *necessity* if any,

arises out of the fact, that the Assembly of Jamaica has found itself called upon, under certain qualifications, to suspend, for a time, the exercise of some portion of its legislative functions; and the main question for your Lordships to consider, is—are they justified or not, in the course which they have adopted? For, if they are justified in it, I feel satisfied your Lordships will not, by this Act, which my learned Friend has properly characterized, interfere with the independent rights and privileges of the Assembly, in such a manner as *indirectly* to destroy them.

The short facts, my Lords, upon which the Assembly of Jamaica have thought themselves called upon to act in the manner they have done, are these:—For nearly 200 years, they have exclusively legislated with regard to the prisons in Jamaica. They have practically exercised the right of legislation, with regard to that subject-matter, and to the satisfaction of successive Governors. They have raised large sums of money for the erection of prisons; have passed Acts for their regulation, and done everything in respect of them which was, from time to time, thought requisite. It is true, there were some complaints made of the state of the prisons; and I am not unwilling to say, that, from pamphlets, and reports, and suggestions in this country, some by individuals from whom, having had a share in the Government of the island, such things could not have been expected, notions have got abroad, that there were abuses existing in the prisons in that island; in consequence of which, his late Majesty's Government thought fit to send out a commissioner to Jamaica. I believe Captain Pringle arrived there at the close of 1837, and continued in the Island during December and January, and then made a report, which was sent to this country. At that time, Jamaica having done all that it could be expected to do, the Legislature having made the laws, and raised the funds to which I have alluded—at that time, I say, Jamaica was fully justified in waiting the event of that meditated report; and my learned Friend has cited a passage from the despatch of Lord Glenelg, from which it appears, that the postponement of any further consideration, as to the prisons, was the expectation of the Government at home, as well as of the Government in Jamaica.

In that state of things, when matters were thus suspended, and when they had just done an act which the Government of this country called upon them to do, by a colo-

nial enactment, to put an end to the apprenticeship, as the second great branch of the measure of emancipation, at that moment a Prison Bill, applicable to the colonies in general, and including Jamaica, was introduced into your Lordships' House, without any previous notice; and it passed through this House, with the utmost possible speed, unobserved upon, and without the slightest notice taken of it, except some collateral inquiry made by one noble Lord, not affecting the provisions of the Bill. It passed through the Commons in the same expeditious, unnoticed manner, in less than a month from its introduction, it received the royal assent, and was eventually sent out to Jamaica.

When that Act arrived in the Island, although the former English Prison Bill, which did not affect Jamaica, had been communicated to the Assembly by the Governor, under orders from the Colonial Secretary, yet this latter enactment, including Jamaica, was not sent down in the usual course by the Governor to the Assembly, nor in any manner communicated to them; except that it was posted up at the ordinary place, where the Government Proclamations are exhibited—no message, no information, being sent to the House of Assembly respecting it.

The first proposition, therefore, which I venture to set out with, and undertake to establish, is, that this Act was a clear and distinct infringement of the independent Legislative Powers of the Assembly of Jamaica.

Moreover, my Lords, such an Act was totally unnecessary, because, as I have already stated, the local Legislature had done everything to remedy the grievances which had been alleged with regard to the Prisons. Captain Pringle's Report shews, that the abuses which had been suggested, either did not exist, or had been remedied. Nevertheless, that unnecessary and impotent Act was sent out to Jamaica. I say impotent, because the only powers given by it were to enable the Governor to make regulations for the Prisons—to report any that were unfit—and to appoint Inspectors. With respect to the regulations, the Governor did nothing more than republish rules, that had been before laid down by the Legislative Assembly, and which they embodied in an Act as long ago as the year 1834. And, therefore, in truth, as far as the regulation of Prisons went, nothing could be more needless, more inefficient, more unnecessary, than that Act,

With respect to the power of appointing Inspectors, the Governor could by the existing law, make any special magistrate, a local magistrate; and in that character, he would have had a right to inspect the Prisons. As to reporting the Prisons to be unfit, that was totally useless, unless the Governor could also raise money to build new Prisons, which, by the statute of the 18th Geo. 3rd, he could not do, without the aid of the Assembly.

In fact, this irregular, unconstitutional Act, was nothing more than a few harmless clauses, selected out of the English Prison Bill, and sent out in that crude and ineffectual shape to Jamaica and the rest of the Colonies. But useless, unnecessary, and insolent, as it was, it had the effect of giving to the Assembly of Jamaica, well grounded reasons for saying, that their independent Legislative functions, had been needlessly and insultingly interfered with.

That being the case, it could not be expected, that the Assembly should abstain from resenting such a proceeding. The consequence was, that as soon as they were called together, they responded to the language of the Governor, by saying, that "they felt it most consistent with the duty they owed to the country, and with their own honour, to refuse to act legislatively, until they were left to the free exercise of their right, except for the purpose of keeping faith with the public creditor." For that purpose, they were ready to act, beyond that, they felt they could not with honour and propriety advance, when their privileges had been so attacked, and the proceeding was altogether unexplained. They appealed, also, to the Sovereign, declining to act until her Majesty's pleasure should be known.

It was upon those principles, and with those qualifications, that they founded their temporary and limited refusal to exercise their functions.

Now, my learned Friend has so satisfactorily shown to your Lordships, that this was altogether consistent with the former practice in the Island—was so consistent with what had taken place before—that they had every reason to think, that her Majesty would have been advised to make some sort of answer to this remonstrance, which might have put them in the same situation with respect to the interference made with their Legislative powers and functions, as was done in the year 1836; when Lord Sligo was stated by the Secre-

tary of State for the Colonial Department to have been guilty of a breach of the privileges of the House, and upon that occasion, an explanation took place with which the Assembly were perfectly satisfied, and upon which, they immediately proceeded to exercise their proper functions, and did the acts required of them. I, therefore say, that the Assembly were perfectly justified in the course they took—founding themselves upon the former precedents, they were justified in the expectation, that some explanation—some act of conciliation would have been afforded to them. From that day, to the present hour, not one word of conciliation has been used towards them—not one single effort of any kind has been made, to put the Legislative Assembly of Jamaica again in action—but, on the contrary, the Legislature was then prorogued—it has been kept under prorogation ever since, and up to this moment there is neither evidence—nor suggestion—nor information of any kind to your Lordships, that if the Assembly were called together to-morrow they are not prepared to do what was necessary to effect the purposes referred to in this Bill: and I must venture to say, that a more wanton interference with the rights of an independent legislative body is not to be met with in the records of history.

My Lords, the circumstances are not simply those; for I have omitted one essential point, in the statement of the facts. The House of Assembly resented the mode in which the Prison Bill had been passed; and they resented the mode in which it had been announced to the Island. The Governor prorogued the Assembly in consequence of their Resolutions upon that Bill; he prorogued it from the 2nd of November; not for a very long period to allow an opportunity for cool reflection, but till the 3rd of November the next day. The House then met again, and they said they felt themselves obliged to adhere to the Resolution they had passed the day before. Upon that the Governor told them that it was necessary, and writes in his despatch to this Government to say, that it was necessary for him to take the sense of the people—certainly a constitutional mode, and perfectly correct. He therefore dissolved the House, and in his despatch, he takes upon himself to speak of the obstinate conduct of the Assembly, and the little chance of the election of "more intelligent members;" I need not suggest to your Lordships the natural effect of such an intimation upon the members

of any Legislative body or upon the people whom they represented. If such an intimation accompanied a dissolution in this country, it is unnecessary for me to surmise to your Lordships the effect which would be produced from one end of the kingdom to the other. But such was the despatch sent home by the Governor of Jamaica. The House was dissolved. The Resolution had been carried against a minority of only five. Upon the members being sent back to their constituents, four out of the five were rejected, and one only of the minority returned to the Assembly. The Assembly met—they were addressed by the Governor, and, as before, they said they felt bound to adhere to the Resolutions of the former Assembly. Could they, my Lords, have done otherwise? The Governor had made a constitutional appeal to the people—they responded to the call made upon them,—and with the exception of the one member I have mentioned, they rejected the members who entertained a notion for a moment, that the Assembly ought to submit to be degraded.

Then what was the effect of the dissolution? It proved to demonstration that it was the unanimous opinion of the people of Jamaica, that an insult had been committed upon the Assembly; and through them upon the people:—that the great body of the electors—the freeholders—approved of the conduct of their Assembly in not yielding to the insult put upon them, and they repeated, through their representatives, their determination to obtain an explanation which was thought necessary to be given to them, as had been done on former occasions. It is under these circumstances, therefore, that the functions of the Legislative body in Jamaica have been for a time partially suspended.

My learned Friend has referred to a former Bill which had been suggested as a remedy for this supposed evil, a measure which had no less a scope than totally to annihilate the popular part of the Government in Jamaica. The Assembly was to be suspended for a considerable space of time—five years—and the share of the people therefore in administering the laws, or raising the Revenues, was for that time to be taken away. It may well enough be expected, that such a measure would not be likely to pass the Legislature of this country. It failed:—I should rather say it was *abandoned*, as undoubtedly it ought to have been.

It is a striking circumstance connected with these proceedings, that on the very day on which the intelligence arrived in this country, of the acquiescence of the Assembly of Jamaica in the second step of emancipation, (the anticipated termination of apprenticeship,) the Prison Bill for the Colonies, to which I have before referred, was brought into the House of Lords, and shortly after passed. That was the recompense the people of Jamaica received, for having made so great a concession to the wishes of the people of this country.

Moreover the people of Jamaica—now lately emerged from slavery to freedom—are to be informed, that there has been a measure proposed to the Legislature of this country, for the total annihilation of the popular part of their Government. What astonishment must such a communication create in a country where they have sacrificed their property—the mode of managing their estates—and all their early habits and customs—for the sake of one great measure recommended to them by the influence of the mother country. They had acquiesced in the sacrifice of their property by that measure; they had admitted that part of their population with whom they were supposed not to be upon good terms, into the full and free participation of their liberty—and it is in 1839 when we have the free and so-called liberal notions of Government in this country, carried to an extent which some persons may think not quite expedient—it is at such a period that these people who have so consented to the emancipation and freedom of others, are to have their own free rights and acknowledged privileges suspended, or proposed to be suspended, for five years.

My Lords, this was a strong measure! and it is not to be wondered at, that it was abandoned; but being abandoned, the Bill upon which I have now the honour of addressing your Lordships, is proposed as a substitute. In considering the former measure there was much reason to complain of the apparent haste with which it had been prepared. There was scarcely any portion of the Preamble of that Bill accurate; when it came to be observed upon, it shrunk under the operation. It was impossible it could be supported—and the Bill was not even attempted to be supported on the grounds stated in the Preamble.

At your Lordships' Bar I need not say, that, in considering a legislative act, you are to look into the Preamble for the nature, the cause, and the reason of

the Bill—and when the Preamble fails, it was a necessary consequence that the Bill should fail also.

My Lords, the observations are not so cogent against this Preamble as against the former, but they are still strong. There is scarcely any one of the Acts done in Jamaica accurately stated; most of the dates are inaccurate; the Resolutions of the Assembly are also imperfectly set forth—they are represented as absolute Resolutions of the Assembly of Jamaica, when, in fact, they are qualified in the manner I have stated to your Lordships. It is said, that “the House was dissolved, and that the newly elected House of General Assembly on the 20th of November, declared their adherence to the determination aforesaid of the preceding House of General Assembly. And whereas, in consequence of the determination aforesaid, several temporary laws of the said Island have been suffered to expire.” Now, it is not accurate, either in language or in substance, that the defect in not re-enacting the expired laws should be attributed to the conduct of the Assembly; it is in point of fact and substance, to be attributed to the successive subsequent prorogations of the Governor, who has made no effort to remove the difficulty; and if you were to pass this Bill in its present state, it would hand down to posterity an inaccurate representation of the facts.

I, therefore, submit to your Lordships, that the Preamble is not that precise and accurate statement of facts, which ought to be found in the Preamble of a Bill upon which enactments of this kind are to follow, or, indeed, any enactments.

The second part of the Preamble of the Bill relates facts which I know—at least, I am instructed by those who have full means of knowledge—will have the most dissatisfactory effect in the Island of Jamaica.

My learned Friend, Mr. Burge, has explained to your Lordships, the progress of the Constitution of the Island of Jamaica from its earliest settlement down to the present moment; the people there have, unlike the other Colonies, always struggled and with success, for their independence and their free and popular Constitution. They have, from time to time resisted the attempted encroachments of the Crown; and the efforts to take away from them that freedom and independence, and put upon them a Government which should be regulated by orders in Council. The paragraph of the Preamble to which I

have referred, recites the orders in Council that had been made for some of the Crown Colonies. There is nothing which can be more separate and more distinct than the position of the Crown Colonies, and that of the Colony of Jamaica. And if there is one thing which the people of Jamaica would deem more offensive and more insulting than another, it would be the mixing them up in the same predicament as the Crown Colonies. It is a monstrous and gratuitous insult upon them, to put them upon the face of this Act—without fault—without improper conduct of any kind—in that position, that they are to receive the orders in Council made in this country for the Crown Colonies, as the models upon which their Legislature is to be compelled to act.

My Lords, finding the Jamaica Constitution, which is so well known, was to be mixed up with these Crown Colonies, I was rather induced to look at a book I have in my hand, which amongst other things mentions the Government of the Island of Trinidad, one of those Crown Colonies to which reference is made, and I find it stated thus:—

“The administrative functions of Trinidad are entirely despotic, though nominally vested in a Government, aided by an Executive and Legislative Committee. The Executive Council consists of three official Members (viz. the Colonial Secretary, the Colonial Treasurer, and Attorney-General) selected from the Legislative Councils. They have no powers and no other functions than Councillors of the Governor, who may follow their advice or not as he pleases. The Legislative Council consists of twelve Members, six of whom are styled official, holding offices and salaries at the pleasure of the Crown, viz. the Colonial Secretary, Attorney-General, the Colonial Treasurer, Public Prosecutor, and Collector of Customs, and six are styled non-official, selected from amongst the inhabitants; the whole removable at the pleasure of the Crown, the Governor presides at the Board, has a vote and a casting vote in addition; and no measure can be introduced or proposed at the Board which he objects to—so that the whole power and functions of the Board are virtually lodged in his hands, although nominally the laws may be passed and the taxes imposed by the Legislative Council. The inhabitants of Trinidad are very properly endeavouring to obtain something more liberal than such a mockery of freedom.”

And yet, my Lords, it is by that measure which is meted out to Trinidad amongst other Crown colonies, that Jamaica is proposed to be governed; and though that happy Island, for 200 years, has enjoyed

a free and independent Constitution, it is now to lose that Constitution which sad experience has made the inhabitants of Trinidad anxious to obtain in lieu of their mockery of freedom.

So, likewise, as to St. Lucia, the very short but emphatic description, is thus—

“The inhabitants have their affairs administered by a Governor and Council, *with French laws*, where they are not adverse to the British. I hope soon to see St. Lucia, as well as every other English Colony, with its own Legislative Assembly.”

And yet this species of mock constitution, so deplored by these Colonies, who have experienced it, is to be adopted as a model for the legislation for Jamaica; and the laws which are propounded to be made for that Island, are in the Preamble of the Bill declared—

“To be necessary to be made of a similar description to those given to the Crown Colonies.”

I apprehend nothing can be more offensive to the inhabitants of Jamaica, than to be put in the same predicament as those Colonies; and such a proposition, therefore, is a matter much to be lamented. There is no proof of any misconduct at all on the part of this Island, to bring it under so severe a punishment as that they should, at once, be mixed up with the Constitution of the Crown Colonies, some of which are under foreign law, and having Constitutions totally dissimilar to that which has so long existed in the Island of Jamaica.

The other Clause, the 7th of the Preamble recites—that

“It is necessary that provision should be made by Parliament for the purposes aforesaid, in the event of the continued refusal or cessation of the House of Assembly of the said Island, to exercise its legislative functions.”

Now, I have before drawn your Lordships' attention to the fact, that there is not a refusal on the part of the Legislative Assembly in Jamaica, to act, except with the qualification I have mentioned. There is no cessation of their powers, but that which is caused by the Government—and no necessity for the enacting of those laws mentioned in the Order of Council or Preamble, or those which form the subject matter of the Clauses of the Bill. My learned Friend has gone over that point and shewn both as to the first and the second Clauses, that there is no necessity

for them—that the facts stated in the Preamble are unfounded in truth, and that they could not be made the substantial ground of any legislative measure.

Now, my Lords, having thus adverted to the Preamble which appears to me unsupported, I am sure your Lordships will further consider, that this is an unusual proceeding:—that there has been no evidence at your Lordships' Bar—that there are no facts brought to your Lordships' knowledge—that there are no circumstances of which I am aware that can, in the slightest degree, support the Preamble or justify the Bill. The Constitution of Jamaica is to be indirectly annihilated without inquiry—with nothing but uncertain suggestions to justify such a proceeding—without facts to warrant such a course—those stated in the Preamble of the Bill, being, for the reasons I have been urging, unsupported by truth. And it is obvious that no Bill of the most ordinary kind could be brought before your Lordships for adoption, with respect to which there would be less information laid before the House to sanction it, than there has been afforded upon this occasion.

Now, it is rather a singular circumstance, considering the manner in which this Bill has been spoken of elsewhere; and considering the allusion that has been made to it as necessary for carrying out the great work of emancipation; and, as if it was intended for an advantage to the emancipated classes; it is a curious circumstance, that the provisions here introduced, are mainly for the protection of the planter, and against the great emancipated population in the Island. That is the real character of the measure. Why freedom should be doled out to the people of Jamaica in one year, and then immediately afterwards provisions of this kind needlessly, illegally, and unconstitutionally enacted by the Mother Country, against those persons so emancipated is totally inexplicable. The provision as to vagrancy is against the lower population; and for the protection of those whose property is likely to be injured or affected by the lawless wanderer. The settling upon land is precisely of the same description: it is for the protection of the landowner. The establishing of contracts between servants and their masters, bearing in mind the observations my learned Friend made to the House, will operate against the interests of the poorer population, and for the benefit of those to whom labour in conse-

quence of the emancipation is so essentially necessary. But is there any application for this purpose to your Lordships? or to the other branch of the Legislature? or to her Majesty? from those interested by property in the state of Jamaica? Is there any application from the planters? is there any application from the land-owners? or the people of property living in that Island or in this country? that such a provision should be resorted to? Not at all—and it is impossible that any explanation can be given of this strange anomaly, except that it is for some purpose not stated boldly upon the face of the Bill itself—and it can have no effect, but to impose some restraint upon the persons whom you have placed in a state of freedom. This measure is not for any benefit to them, but for their restraint, and no one has asked it at your Lordships' hands.

I therefore conceive, that in every point of view, it would be most unjustifiable to adopt, with respect to Jamaica, those provisions which have been transmitted to the Crown colonies, which are totally inapplicable, unnecessary, and uncalled for in the Colony of Jamaica. I do not pretend to go into the detail of these matters, for my learned Friend, infinitely better instructed than I am, has done it, and it would be needlessly wearying your Lordships to repeat them. After my learned Friend's clear statement of the existing laws, I think nothing can be more clear, than that none of these proposed laws are immediately necessary. It is true, we have heard of a long bede-roll of ancient statutes, raked up from the old statute book of Jamaica, with harsh terms as to whipping and imprisonment, and of vagrancy, with forms of committal, which, at the moment, seemed to produce some effect in another place, but I was astonished, when I found afterwards that almost all those provisions had continued in this country down to a period much later than the passing of those Acts in Jamaica: and considering how this matter was discussed elsewhere, I was surprised when I came to look at our ordinary books of magisterial practice, where our laws are to be found applicable to this subject—I was grieved to find laws relating to this country, which seemed to me much stronger than those referred to, as existing in Jamaica. I find, in a book of much authority, a note in which the statute of George the 2nd is referred to, and it is to the following effect:—

"Note, it is only here, (the clause being quoted) in which the whipping of males and females were sanctioned by the laws of England. It is only here expressed generally, that he shall be publicly whipped, the form and manner thereof may perhaps be best collected from the provisions of former Vagrant Acts." "By the 22nd Henry 8th, cap. 12, the vagrant was to be carried to some market town or other place, and there tied to the end of a cart, naked, and beaten with whips, throughout such market town or other place, till his body should be bloody by reason of such whipping."

And in the excellent reign of Queen Elizabeth, it seems that that Act had some further enactment added to it, which increased the severity of that punishment, and at last vagrancy, under some circumstances, was to be a felony. I believe it was not till a considerably advanced period of the reign of George the 3rd, that an end was put to the flogging of females by the laws of this country.

To rake up, therefore, old laws in Jamaica, and allege them, as if in existence or in force, when they only remained upon the statute-book neglected and forgotten, would have no tendency but to produce an unjust impression on the public mind, and to keep alive those misrepresentations which have been so frequently made and so frequently answered as to the conduct of the people in Jamaica. Because, it appears in the report before alluded to, of Capt. Pringle, and in the reports which were required from all the parishes of the persons in custody for vagrancy, and upon inquiry made upon this very head, that the constant answer, page after page, in the papers laid upon the table of this and the other House of Parliament, is, that there is no person in custody under those charges. It is quite futile, therefore, to make such statements. It has no object but to continue the misrepresentation which has so long prevailed, and I think that measure must require some extraordinary support, for which such arguments can be attempted, having so little foundation in fact, and being so much calculated to mislead.

My Lords, the second clause of this Bill is, as my learned Friend has justly observed, open to all the objections that can be made to the first. It is unnecessary and uncalled for in every respect, and it has the further objection, that it is directly contrary to the pledged charter of the Colonies—that charter which has been sanctioned now for a very long period, and I believe never has been infringed upon. That Parliamentary

legislative Charter, which exempts the Colonies from taxation by the mother country. The statute of the 18th George the 3rd, by which this country, in the most solemn manner, by an Act of Parliament, bound itself never to inflict taxation in the colonies, except with their own consent. Now, inasmuch as a large portion of the Acts to be revived are those that involved taxation and money-bills, this is a plain, direct, and manifest infringement of the privileges of the Assembly, and the rights of the people, by taking away from the Assembly the exclusive power of originating all money bills, and transferring the right of reviving those Acts to the Governor and Council, if the Legislative Assembly do not do it within the very short period given to them for that purpose. Nor is this all; but the Governor and Council have the power to revive all those Acts, either in whole or in part; and the great principle adopted in the year 1718, when the important contest arose with respect to Jamaica, whether it should or should not be subject to taxation, without the revenue being appropriated by the same power that raised it, would be defeated by this measure, because the Governor and Council may revive the tax, and not revive the appropriation. Thus, if you pass this Bill, your Lordships will give the Governor and Council in Jamaica the power of defeating the ancient privileges granted by Parliament to Jamaica. At the time when those enactments were made, the people of Jamaica were pressed to adopt the principle which Barbadoes had accepted, of the $4\frac{1}{2}$ per cent. duties, but the Jamaicans resisted the attempt for forty years, and consented only to a permanent revenue, upon condition that it should be appropriated by the same power that granted it—it is a direct violation of that compact then entered into, and under which they have lived ever since—as well as of the statute of 1678—if you enact that the Governor and Council should have the power of doing that which has, by the practice and constitution of the island, been prohibited to this Legislature, and most strictly reserved to the Assembly of Jamaica.

My Lords, the third clause of the Act is one, which at first sight, would seem to take away from the first clause some of the permanent effect it would otherwise have upon the Constitution of Jamaica. By the first clause the Governor and Council are

enabled to make certain ordinances and regulations; and the third clause gives to the Governor and Council and Assembly the power of repealing those ordinances. This would seem upon the face of it to give to the Assembly still some remnant of authority:—but the truth is that the whole of that provision is illusory. My learned Friend has explained the nature of it. If the Governor and Council are to acquire to themselves the power of making laws, those laws cannot be repealed without the assent of the Governor, Council and Assembly. It is in vain, therefore, to expect that the Assembly should ever be able to repeal those laws which the other two branches have made, and which repeal either of those two branches might defeat. This clause, therefore, seems to me such a practical absurdity that it appears extraordinary it should have a place in the Bill.

There are no other clauses, my Lords, material to be considered. And therefore the sum of the objections to the clauses of this Bill are these—this illusory third clause can have no practical effect; and the first and second are open to the objections I have ventured to state to your Lordships.

Now, my Lords, I have before said, that this Bill will have the effect of destroying the Assembly of the Island of Jamaica, and I think your Lordships must be satisfied it will destroy it for all practicable purposes. To imagine for one moment that the Assembly with this sort of Act sent out to them would for an instant think of exercising their legislative powers, under such circumstances of compulsion, cannot enter into your Lordships' consideration. It would be betraying the trust reposed in them by their constituents—for the people in effect told them when they were elected, that the independent legislative privileges of the Island had been irregularly interfered with, and the electors would not tamely submit to the encroachment—under such circumstances were the Assembly to exercise their legislative functions under the compulsory enactments of this offensive bill, they would submit to certain degradation and dishonour in the face of their fellow subjects. But they would not put themselves in that disgraceful position,—lower than their worst enemies would wish them to be,—nor would they betray the trust that the honest votes of their constituents has placed in their hands. The effect of this Bill would covertly—not

openly as the other Bill proposed—but indirectly destroy that constitution, which the former abandoned measure threatened to annihilate.

My Lords, I feel I should not discharge the duty I owe to my clients, who are at present resident in this country, and who being at a distance are watching seriously and anxiously the final result of the great change, which has taken place in the Island of Jamaica, where their earliest associations and their best interests and properties are placed; and who thus looking on, are able to take a cool and dispassionate view of the subject. I say, my Lords, I should not discharge my duty to them, nor the duty which they owe to your Lordships—if I did not boldly utter their decided convictions upon this subject, and if I did not venture to urge to your Lordships that the effect of this measure must be to place Jamaica under the Government of the Governor and Council; such will be the inevitable consequence of this Bill, and I must tell your Lordships *that Jamaica cannot be so governed.* That Island, by the Emancipation Act, was put in a peculiar situation, which my learned Friend has so justly described. The change, however, has not produced those convulsions which many of its best supporters thought might arise out of it: but the emancipation has in many respects marvellously succeeded and gone on temperately and quietly, in a great degree aided by the influence of religion which has had a beneficial effect even beyond exportation, upon those who have been emancipated. Religion in the first instance has worked its moderating way; and the gradual acquisition of property and the participation in the benefit of the Institutions of the country will, in time also, have their influence upon the manners and habits of the people: and those who have been emancipated will by degrees find themselves so bound by the common ties of society, that they will imperceptibly and without difficulty become orderly, contented, quiet members of society, whatever their complexion or situations may be. I believe that course is now going on regularly and gradually in the Island, and those who have before had large properties there, and have perhaps been heretofore the influential people in the island, begin to know and feel that the African population will eventually supplant them. It is the necessary consequence of the Emancipation, and those who will be thus supplanted have

the manliness, the virtue, the patriotism, and prudence not longer to complain of that which the Legislature has imposed upon them. They are gradually yielding to the inevitable effect which the Emancipation will in time produce; and the mean while they are ready to yield to the insensible but sure progress of this change:—they are willing that time should work out those great purposes, which a power higher than those I have already alluded to, has put in progress. But, as on the one hand, they are content to see the quiet working out of that great problem, so do they on the other look with the greatest anxiety at the risk which must ensue, if anything should interrupt its silent progress; and sad and inevitable will be the consequences that will follow, should that progress be disturbed in its quiet course. Such disturbance can do nothing else than produce the most disastrous effects. Whether the interfering with taxation may produce the same effects that have been produced before—or a particular class gaining an ascendancy as undoubtedly they will, may re-enact that which has happened in a neighbouring island—whether either of those alternatives—or any other—may happen, it is written in the page of human history, that some such consequence will follow needless and vexatious interference with masses of people acting under new circumstances and in new relations, and in progress to the ultimate results of civilization. And I must urge and press upon your Lordships that such would at the present time be the consequences in all probability in Jamaica, of substituting for their ancient Constitution the arbitrary Government of the Governor and Council. I am confidently informed that the result to which I have alluded is too likely to be true.

My Lords, these are fearful considerations! and for what purpose are these perils to be encountered? The revenue can be collected, and the law may go on in its usual progress. This measure may be postponed for a few months, and one single act of conciliation will effect the required change, without danger or difficulty. How little in 1836, produced conciliation and peace. And if such a course is resorted to, the effect may be again the same. Exasperation may cease—confidence may be renewed—and general satisfaction be restored. But, if

a contrary course is adopted, the probability is that all confidence in the Government will be destroyed—and all possibility of restraining those feelings that are said to exist in the island will be taken away.

Your Lordships have already heard of the sort of revenue raised in Jamaica. I should not over-state it if I estimated it at 300,000*l.*, to be raised throughout the country, upon persons, who are every day becoming possessed of property, and to be raised by a Governor sent out to them from this country, aided by a Council chiefly composed of strangers to the people. The Bishop—the Chief Justice—the Attorney General—all foreigners to them—not participating in their feelings, habits, or manners—or in their devotion to their Constitution, together with a few other individuals nominated by the Crown, would be the parties to impose the taxes, and make the laws, the parties to form both, the Legislative and Executive Government—the enforcers of the law and the imposers of the revenue—those who are to manage the collection and regulate the appropriation. I feel confident this view of the subject must satisfy your Lordships, that it is impossible that the Government of Jamaica could thus be carried on? Where can you find a parallel for such a state of things? Even in the Crown Colonies where the right of conquest has been more directly exercised, some sort of representative Government is adopted: and though full effect may not be given to it, still the semblance of it is necessary. There must be the connecting links between the governed and the governing, in some sort of gradation and succession, which shall bring the two parts of society together, and make the many consent to the Government of the few. Those are principles so universal, so familiar to your Lordships, so well known, and so impossible to be misunderstood, that I should be ashamed to press them further upon your Lordships' attention. Indeed I feel it almost wrong to press upon your Lordships this point of expediency. This view of the subject resolves itself into a simple question of State policy. But, I would rather put this question before your Lordships as one of plain justice, and as a case in which your Lordships would not allow an injury to be done to one of Her Majesty's Colonies, unless you saw a substantial ground for it—charge against this people there is none

—case against them, there is none—reason for the Bill there is none. I am confident when your Lordships are called upon to deliberate upon this measure, if you look through the temporary Acts to be revived or the three other Acts proposed to be made—that neither in the one nor in the other will you find any necessity for this measure.

Then if this is really the case—if there is neither punishment to be inflicted—nor anything to warrant deprivation—if there is no necessity to take this course,—why should your Lordships be called upon to trifle with the Constitution of this important Colony? a Colony in the administration of such revenues—very mainly instrumental in the commercial connections of the country, of the greatest importance, in that part of the world—admirable in its natural beauties—rich in its artificial productions—prosperous—loyal—contented. To destroy the popular part of its Constitution, is not a work which ought to be effected at any time; and least of all at this time, when a certain portion of popular Government, practically speaking, is found more or less essentially necessary for the peace of society.

My Lords, it is with these strong convictions, having a great disinclination to weary your Lordships at this late hour, that I do with great confidence submit to your Lordships that neither in whole nor in part can any portion of this Bill be supported. I know that it has been said elsewhere, and from an authority that cannot be overlooked, that the Assembly of Jamaica have placed themselves in the wrong:—that is the challenge to which I am quite satisfied, this question should be brought.

That imputation is one which my clients most deeply feel! And though not connected with the Assembly, yet as they have reason to be deeply thankful to that patriotic body—uninfluenced by ambition—and unbiassed by the prospect of patronage, or the allurements of place—for the disinterested manner in which they have ever acted, that imputation I say my clients cannot patiently submit to be cast upon their fellow-citizens, the general body of the Assembly—whose conduct they have closely watched, and cordially approved:—they cannot submit to such an imputation being made on that body, without an earnest request that your Lordships will not lightly take up that notion, but will investigate

those facts which I have ventured to draw to your attention, for the purpose of shewing that not only were the Assembly warranted in the course they have taken, but that none other was, under the circumstances, left open to them. With these concluding remarks, I beg	to withdraw from your Lordships' Bar, submitting that the preamble of this Bill cannot be supported in proof, nor the clauses maintained upon any principle of justice, necessity, or expediency. The Counsel withdrew.
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END OF THE APPENDIX.

TABLE

OF

All the STATUTES passed in the SECOND Session of the THIRTEENTH Parliament of the United Kingdom of Great Britain and Ireland.

2° & 3° VICT.

PUBLIC GENERAL ACTS.

- i. **A**N Act to amend an Act of the First and Second Year of Her present Majesty for the more effectual Relief of the destitute Poor in *Ireland*.
- ii. An Act to apply the Sum of Two Millions to the Service of the Year One thousand eight hundred and thirty-nine.
- iii. An Act to authorize the immediate Distribution of a Portion of the Fund applicable to the Relief of Persons entitled to certain Arrears of Tithe Compositions under an Act of the last Session of Parliament, to abolish Compositions for Tithes in *Ireland* and to substitute Rent-charges in lieu thereof; and for other Purposes.
- iv. An Act to alter the Powers of jointuring contained in several Acts for purchasing and providing a Residence and Estates for the Duke of *Wellington*, and to settle certain Articles to go as Heirlooms with the said Estates.
- v. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
- vi. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-nine.
- vii. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
- viii. An Act for raising the Sum of Thirteen Millions by Exchequer Bills, for the service of the Year One thousand eight hundred and thirty-nine.
- ix. An Act for repealing Part of an Act of the last Session of Parliament, intituled *An Act for suspending until the First Day of August One thousand eight hundred and thirty-nine, and to the End of the then Session of Parliament, the Appointment to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories*.
- x. An Act for enabling the Trustees of the *British Museum* to purchase certain Houses and Ground, for the Enlargement of the Museum, and making a suitable Access thereto.
- xi. An Act for the better Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Fiats in Bankruptcy.
- xii. An Act to amend an Act of the Thirty-ninth Year of King *George* the Third, for the more effectual Suppression of Societies established for seditious and treasonable Purposes, and for preventing treasonable and seditious Practices, and to put an End to certain Proceedings now pending under the said Act.
- xiii. An Act for extending the Copyright of Designs for Calico Printing to Designs for Printing other woven Fabrics.
- xiv. An Act for removing Doubts as to the Appointment of a Dean of *Exeter* or of any other Cathedral Church.
- xv. An Act to provide for the more effectual Execution of the Office of a Justice of the Peace within and adjoining to the District called *The Staffordshire Potteries*, and for Purposes connected therewith.
- xvi. An Act for improving the Practice and Proceedings of the Court of Pleas of the County Palatine of *Durham* and *Sadberge*.
- xvii. An Act to secure to Proprietors of Designs for Articles of Manufacture the Copyright of such Designs for a limited Time.
- xviii. An Act to enable Archbishops and Bishops to raise Money on Mortgage of their Sees, for the Purpose of building and otherwise providing fit Houses for their Residence.
- xix. An Act to amend an Act of the Sixth and Seventh Years of His late Majesty King *William* the Fourth, for consolidating the Laws relating to the Presentment of Public Money by Grand Juries in *Ireland*, so as to enable the Grand Jury of the County of *Waterford* to make Presentments on account of the Fever Hospital of the said County, although situate in the County of the City of *Waterford*.
- xx. An Act to authorize the Application of Part of the Land Revenues of the Crown for the Erection of Stables and Stable Offices contiguous to *Windsor Castle*.
- xxi. An Act for granting to Her Majesty, until the Fifth Day of *July* One thousand eight

- hundred and forty, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-nine.
- xxii. An Act to enable Justices of Assize on their Circuits to take Inquisition of all Pleas in the Court of Exchequer of Pleas which shall be brought before them without a Special Commission for that Purpose.
- xxiii. An Act to consolidate and amend the Laws for collecting and securing the Duties of Excise on Paper made in the United Kingdom.
- xxiv. An Act to repeal the Duties and Drawbacks of Excise on Bricks, and to grant other Duties and Drawbacks in lieu thereof, and to consolidate and amend the Laws for collecting and paying the said Duties and Drawbacks.
- xxv. An Act to remove Doubts as to the charging certain of the Duties of Excise on Glass.
- xxvi. An Act to provide for the Enactment of certain Laws in the Island of *Jamaica*.
- xxvii. An Act for regulating the Proceedings in the Borough Courts of *England* and *Wales*.
- xxviii. An Act for more equally assessing and levying Watch Rates in certain Boroughs.
- xxix. An Act for the better Protection of Parties dealing with Persons liable to the Bankrupt Laws.
- xxx. An Act for apportioning the Spiritual Services of Parishes in which Two or more Spiritual Persons have Cure of Souls generally throughout the Parish.
- xxxi. An Act to continue until the First Day of *June* One thousand eight hundred and forty-one, and to the End of the then Session of Parliament, the Local Turnpike Acts in *England* and *Wales* which expire with this or the ensuing Session of Parliament.
- xxxii. An Act to continue, until the End of the Session of Parliament next after the Thirty-first Day of *May* One thousand eight hundred and forty-one, certain of the Allowances of the Duty of Excise on Soap used in Manufactures.
- xxxiii. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty; and for the Relief of Clerks to Attornies and Solicitors in certain Cases.
- xxxiv. An Act to confirm certain Rules and Orders of the Supreme Courts of Judicature at *Port William* and *Madras*; and to empower the same Courts, and the Supreme Court of Judicature of *Bombay*, to make Rules and Orders concerning Pleadings.
- xxxv. An Act to continue, for One Year, Compositions for Assessed Taxes, and to alter the Period for the Expiration of Game Certificates, and for granting Licences to deal in Game.
- xxxvi. An Act to regulate the Duties to be performed by the Judges in the Supreme Courts of *Scotland*, and to increase the Salaries of certain of the said Judges.
- xxxvii. An Act to amend, and extend until the First Day of *January* One thousand eight hundred and forty-two, the Provisions of an Act of the First Year of Her present Majesty for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury.
- xxxviii. An Act to amend the Jurisdiction for the Trial of Election Petitions,
- xxxix. An Act to amend an Act passed in the last Session of Parliament, for abolishing Arrest on Mesne Process in Civil Actions except in Certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in *England*.
- xl. An Act for procuring Returns relative to the Highways and Turnpike Roads in *England* and *Wales*.
- xli. An Act for regulating the Sequestration of the Estates of Bankrupts in *Scotland*.
- xlii. An Act to improve Prisons and Prison Discipline in *Scotland*.
- xliii. An Act to suspend until the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.
- xliv. An Act to prevent, until the End of the next Session of Parliament, Ships clearing out from a *British North American Port* loading any Part of their Cargo of Timber upon Deck.
- xlv. An Act to amend an Act of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth relating to Highways.
- xlvi. An Act to authorize the Trustees of Turnpike Roads to reduce the Scale of Tolls payable for Overweight.
- xlvii. An Act for further improving the Police in and near the Metropolis.
- xlviii. An Act to amend Two Acts, of the Third and Fourth and Fourth and Fifth Years of His late Majesty King *William* the Fourth, for consolidating and amending the Laws relative to Jurors and Juries in *Ireland*.
- xlix. An Act to make better Provision for the Assignment of Ecclesiastical Districts to Churches or Chapels augmented by the Governors of the Bounty of Queen *Anne*; and for other Purposes.
- i. An Act to extend and amend the Provisions of the Acts for the Extension and Promotion of Public Works in *Ireland*; and for the Recovery of Public Moneys advanced for the Use of Counties, Parishes, and other Districts in *Ireland* on the Faith of Grand Jury Presentments and Parochial Assessments.
- ii. An Act to regulate the Payment and Assignment in certain Cases of Pensions granted for Service in Her Majesty's Army, Navy, Royal Marines, and Ordnance.
- iii. An Act for the further Regulation of the Duties on Postage until the Fifth Day of *October* One thousand eight hundred and forty.
- lii. An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of *Lower Canada*.
- liv. An Act to amend the Law relating to the Custody of Infants.
- lv. An Act to suspend, until the First Day of *August* One thousand eight hundred and forty, certain Cathedral and other Ecclesiastical Preferments, and the Operation of the new Arrangement of Dioceses upon the existing Ecclesiastical Courts.
- lvi. An Act for the better ordering of Prisons.
- lvii. An Act to continue, until Six Months after the Commencement of the next Session of Parliament, an Act of the last Session of Parliament, for authorizing Her Majesty to carry into immediate Execution by Orders in Council any Treaties for the Suppression of the Slave Trade,

- lviii. An Act to make further Provision for the Administration of Justice, and for improving the Practice and Proceedings, in the Courts of the Stannaries of *Cornwall*; and for the Prevention of Frauds by Workmen employed in Mines within the County of *Cornwall*.
- lix. An Act for taking away the Exemption, except in certain Cases, of Officers of the Militia to serve as Sheriff.
- lx. An Act to explain and extend the Provisions of an Act passed in the First Year of His late Majesty King *William* the Fourth, intituled *An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estate*.
- lxi. An Act for the Improvement of the Navigation of the River *Shannon*.
- lxii. An Act to explain and amend the Acts for the Commutation of Tithes in *England* and *Wales*.
- lxiii. An Act to remove Doubts as to the charging the Duty of Excise on Hard Soap, until the Eleventh Day of *October* One thousand eight hundred and forty.
- lxiv. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and forty.
- lxv. An Act to amend the Mode of assessing the Rogue Money in *Scotland*, and to extend the Purposes of such Assessment.
- lxvi. An Act to reduce certain of the Duties now payable on Stage Carriages.
- lxvii. An Act to amend an Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to amend the Law touching Letters Patent for Inventions*.
- lxviii. An Act to continue until the Thirty-first Day of *August* One thousand eight hundred and forty, an Act of the First and Second Years of her present Majesty, relating to legal Proceedings by certain Joint Stock Banking Companies against their own Members, and by such Members against the Companies.
- lxix. An Act to authorize the purchase of building of Lodgings for the Judges of Assize on their Circuits.
- lxx. An Act to amend an Act of the Ninth Year of King *George* the Fourth, to provide for the Administration of Justice in *New South Wales* and *Van Diemen's Land*, and for the more effectual Government thereof, and for other Purposes relating thereto; and to continue the same until the Thirty-first Day of *December* One thousand eight hundred and forty, and thenceforward to the End of the then next Session of Parliament.
- lxxi. An Act for regulating the Police Courts in the Metropolis.
- lxxii. An Act for enabling Justices of Assize and Nisi Prius, Oyer and Terminer, and Gaol Delivery, to hold Courts for Counties at large in adjoining Counties of Cities and Towns, and conversely.
- lxxiii. An Act for the Suppression of the Slave Trade.
- lxxiv. An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of his late Majesty *George* the Fourth, to amend an Act passed in the Fiftieth Year of his Majesty *George* the Third, for preventing the administering and taking unlawful Oaths in *Ireland*.
- lxxv. An Act for the better Regulation of the Constabulary Force in *Ireland*.
- lxxvi. An Act to restrain the Alienation of Corporate Property in certain Towns in *Ireland* until the First Day of *September* One thousand eight hundred and forty.
- lxxvii. An Act for the better Prevention and Punishment of Assaults in *Ireland* for Five Years.
- lxxviii. An Act to make further Provisions relating to the Police in the District of *Dublin* Metropolis.
- lxxix. An Act for the better Prevention of the Sale of Spirits by unlicensed Persons in *Ireland*.
- lxxx. An Act to empower the Commissioners of her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to raise a sum of Money for making additional Thoroughfares in the Metropolis.
- lxxxi. An Act to authorize for One Year, and from thence to the End of the then next Session of Parliament, the Application of a Portion of the Highway Rates to Turnpike Roads in certain Cases.
- lxxxii. An Act for the better Administration of Justice in detached Parts of Counties.
- lxxxiii. An Act to continue the Poor Law Commission until the Fourteenth Day of *August* One thousand eight hundred and forty, and thenceforth until the End of the then next Session of Parliament.
- lxxxiv. An Act to amend the laws relating to the Assessment and Collection of Rates for the Relief of the Poor.
- lxxxv. An Act to enable Justices of the Peace in Petty Sessions to make Orders for the Support of Bastard Children.
- lxxxvi. An Act to amend an Act passed in the Session holden in the Sixth Year of His late Majesty King *William* the Fourth, for amending the laws relating to Bankrupts in *Ireland*.
- lxxxvii. An Act for improving the Police in *Manchester* for Two Years, and from thence until the End of the then next Session of Parliament.
- lxxxviii. An Act for improving the Police in *Birmingham* for Two Years, and from thence until the End of the then next Session of Parliament.
- lxxxix. An Act to apply a Sum out of the Consolidated Fund, and the Surplus of Ways and Means, to the Service of the Year One thousand eight hundred and thirty-nine, and to appropriate the Supplies granted in this Session of Parliament.
- xc. An Act for raising the Sum of Twelve millions twenty-six thousand and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-nine.
- xci. An Act to continue, until the First Day of *January* one thousand eight hundred and forty-one, an Act of the last Session of Parliament relating to the Bank of *Ireland*.
- xcii. An Act to explain and amend an Act of the First and Second Years of Her present Majesty, so far as relates to Fines and Penalties levied under the Revenue Laws in *Ireland*.
- xciii. An Act for the Establishment of County and District Constables by the Authority of Justices of the Peace.

- xciv. An Act to exempt the Parliamentary Grant to the Heirs of *John Duke of Marlborough* from the Payment of the Duty of One Shilling and Sixpence in the Pound.
- xcv. An Act for improving the Police in *Bolton* for Two Years, and from thence until the End of the then next Session of Parliament.

- xcvi. An Act to authorize Her Majesty, until Six Months after the commencement of the next Session of Parliament, to carry into effect a Convention between Her Majesty and the King of the *French* relative to the Fisheries on the Coasts of the *British* Islands and of *France*.
- xcvii. An Act for funding Exchequer Bills.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

- AN ACT to amend the several Acts relating to the *Preston* and *Wyre* Railway and Harbour Company.
- ii. An Act for effecting Improvements in the Streets and other Places within and contiguous to the Town of *Manchester*.
- iii. An Act for incorporating "The *Preston* Gas Light Company," and for better lighting with Gas or otherwise the Parliamentary Borough of *Preston*, and the Townships and Places therein mentioned, in the County of *Lancaster*.
- iv. An Act for repairing the Road from *Epsom* to *Tooting*, and other Roads communicating therewith, all in the county of *Surrey*.
- v. An Act for enabling the General Cemetery Company to raise a further Sum of Money; and for amending the Act relating to the said Cemetery.
- vi. An Act for the better lighting and supplying the Borough of *Newark* in the County of *Nottingham*, and the Neighbourhood thereof, with Gas.
- vii. An Act for lighting with Gas the Town of *Holmfirth*, and the Neighbourhood thereof, in the West Riding of the County of *York*.
- viii. An Act for providing a Market Place, and for regulating the Markets and Fairs, in the Town and Borough of *Bury* in the County Palatine of *Lancaster*.
- ix. An Act to amend an Act of the Seventh and Eighth of King *George* the Fourth, for building a new Gaol for the Town of *Cambridge*, and for making further Provision for Payment of Creditors under the said Act.
- x. An Act for the more effectual Drainage of certain Lands called the Fen and Dales of *Timberland* and *Timberland Thorp*, in the Parish of *Timberland* in the County of *Lincoln*.
- xi. An Act to enable the *Rhymney* Iron Company to erect and endow a Church, in the Parish of *Beduelty* in the County of *Monmouth*.
- xii. An Act for making a Turnpike Road from the Town of *Redruth* in the County of *Cornwall* to and through the Village of *Hayle* in the Parish of *Phillack* in the same County.
- xiii. An Act for repairing the Road from *Cotton End* near the Town of *Northampton* to *Newport Pagnel* in the County of *Buckingham*.
- xiv. An Act to extend, alter, and amend the Powers and Provisions of an Act passed in the Seventh Year of the Reign of his late Majesty King *George* the Fourth, relating to the *New Cross* Turnpike Roads in the Counties of *Kent* and *Surrey*.
- xv. An Act for repairing and maintaining the

- Road from *Worksop* to the Turnpike Road at *Kelham*, and from *Debdale Hill* to the Great Northern Road at *South Muskham*, in the County of *Nottingham*.
- xvi. An Act for extending, improving, regulating, and managing the Harbour of the Royal Burgh of *Aberbrothwick* in the County of *Forfar*.
- xvii. An Act for discharging the Inhabitants of the Manor of *Leeds* in the Township and Parish of *Leeds* in the County of *York* from the Custom of grinding Corn, Grain, and Malt at certain Water Corn-mills in the said Manor; and for making Compensation to the Proprietor of the said Mills.
- xviii. An Act to amend and enlarge the Powers and Provisions of the several Acts relating to the *London* and *Croydon* Railway.
- xix. An Act for granting further Powers to the *London* and *Greenwich* Railway Company.
- xx. An Act for more effectually repairing and maintaining the Road from *Palbrook Bridge* in the Parish of *Cullompton* to *Hazel-Stone* in the Parish of *Broadclist*, all in the County of *Devon*.
- xxi. An Act to alter, amend, and enlarge the Powers and Provisions of Two several Acts, of the Eleventh Year of the Reign of King *George* the Fourth and First Year of the Reign of King *William* the Fourth, and Fourth and Fifth Year of the Reign of King *William* the Fourth, for improving the Port and Harbour of *Perth*, and the Navigation of the River *Tay* to the said City.
- xxii. An Act for more effectually repairing and improving the Road from *Wearmouth Bridge* to *Tyne Bridge*, with a Branch from the said Road to the Town of *South Shields* all in the County of *Durham*.
- xxiii. An Act for repairing and maintaining the Road from the Town of *Rugby* to the Borough of *Warwick*, all in the County of *Warwick*.
- xxiv. An Act to consolidate, amend, enlarge, and extend the Powers and Provisions of Two Acts of King *George* the Third, for better supplying the Town and Neighbourhood of *Rochdale* with Water.
- xxv. An Act for enabling the *Cheltenham* Waterworks Company to enlarge and extend their Works, and for amending the Act relating thereto.
- xxvi. An Act for enabling the Company of Proprietors of the *Herefordshire* and *Gloucestershire* Canal Navigation to raise a further Sum of Money, and for amending the Acts relating thereto.
- xxvii. An Act to amend the Acts relating to

- "The Great Western Railway;" and to raise a further Sum of Money for the purposes of the said Undertaking.
- xxviii. An Act to amend the Acts relating to the *London and Southampton Railway Company*, hereafter to be called "*The London and South-western Railway Company*," and to make a Branch Railway to the Port of *Portsmouth*.
- xxix. An Act for repairing, improving, and maintaining the Roads from *Clitheroe*, through *Whalley*, to *Blackburn* and *Mellor Brook* in the County Palatine of *Lancaster*, and for making a new Piece of Road to communicate therewith.
- xxx. An Act for making a Turnpike Road from *Morville* to *Shipton*, with a Branch to *Brockton*, and another Branch from *Brockton* to *Easthope's Cross*, all in the County of *Salop*.
- xxxi. An Act for repairing; improving, and maintaining the Roads from *Bury*, through *Hastingsden*, to *Blackburn* and *Whalley*, and other Roads communicating therewith, in the County Palatine of *Lancaster*.
- xxxii. An Act for repairing and maintaining the Road from *Leeds*, through *Harewood*, to the South-west Corner of the Inclosures of *Harrogate* in the West Riding of the County of *York*.
- xxxiii. An Act for repairing the Road from *Dover* in the County of *Kent*, through *Deal*, to *Sandwich* in the said County.
- xxxiv. An Act to enable the General Commissioners for Drainage by the River *Withan* in the County of *Lincoln* to sue and be sued in the Name or Names of any one of the said Commissioners or of their Clerk or Clerks for the Time being.
- xxxv. An Act for making and maintaining certain Reservoirs in the Township of *Risworth* in the Parish of *Halifax* in the West Riding of the County of *York*.
- xxxvi. An Act for more effectually repairing, improving, and maintaining the Harbour of *Eyemouth* in the County of *Berwick*.
- xxxvii. An Act for granting further Powers to the Company of Proprietors of the *Parrett* Navigation.
- xxxviii. An Act for better lighting with Gas the Town of *Brighton*, and the several Places therein mentioned, in the County of *Sussex*.
- xxxix. An Act to enable the *London and Birmingham Railway Company* to raise a further Sum of Money.
- xl. An Act for amending and enlarging the Provisions of the several Acts relating to the Great North of *England Railway Company*, and for other Purposes relating thereto.
- xli. An Act for enabling the *Liverpool and Manchester Railway Company* to extend the Line of the said Railway, and for amending and enlarging the Powers and Provisions of the several Acts relating to such Railway.
- xlii. An Act to amend the Acts relating to the South-eastern Railway.
- xliii. An Act for more effectually paving the Streets of the City of *Perth*; for the better lighting, watching, and cleansing the said City and Suburbs thereof; for maintaining and regulating the Police of the same, and for other Purposes relating thereto.
- xliv. An Act for establishing an effective Police in Places within or adjoining to the District called the *Staffordshire Potteries*, and for improving and cleansing the same, and better lighting Parts thereof.
- xlv. An Act for repairing several Roads leading to the Towns of *Basingstoke*, *Odiham*, and *Alton*, in the County of *Southampton*, and for making several Deviations in the Line of the said Roads.
- xlvi. An Act to amend an Act passed in the Sixth Year of His late Majesty King *William* the Fourth, for making a Turnpike Road from *Saint Leonard's* and *Saint Mary Magdalen* to the *Royal Oak Inn* at *Whittington*, and through *Sedlescomb* to *Cripp's Corner*, in the Parish of *Ewhurst*, in the County of *Sussex*.
- xlvii. An Act for more effectually repairing and improving the Road from *Edenfield Chapel* to *Little Bolton*, and certain Branch Roads connected therewith, all in the County Palatine of *Lancaster*.
- xlviii. An Act for building a Bridge over the River *Leven*, in the County of *Fife*, and otherwise improving the Road from *Boreland Loan* to *Sconie Bridge*.
- xlix. An Act for making and repairing several Roads leading to and from the Town of *Southmolton*, in the County of *Devon*.
- l. An Act for more effectually maintaining and repairing the Road leading from the West Side of the Entry to the New or *Jamaica Street Bridge* of *Glasgow*, by or near *Parkhouse*, to the East End of the Bridge at *Renfrew*.
- li. An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the Seventh Year of the Reign of His Majesty King *William* the Fourth, intituled, *An Act for making and maintaining a Railway or Railways from the City of Edinburgh to Leith, and to the Shore of the Frith of Forth at or near Newhaven and Trinity, all in the County of Edinburgh*; and to alter and vary the Lines and Levels of the Railways thereby authorized to be made; and for other Purposes relating to the said Undertaking.
- lii. An Act for dissolving the *Croydon, Merstham, and Godstone Iron Railway Company*.
- liij. An Act to alter the Line of the North Midland Railway, and to amend the Acts relating thereto.
- liv. An Act to amend the several Acts relating to the *Preston and Wyre Railway and Harbour Company* and the *Preston and Wyre Dock Company*, and to consolidate the said Companies.
- lv. An Act for extending and for altering the Line of the *Manchester and Leeds Railway*, and for making Branches therefrom; and for amending the Acts relating thereto.
- lvi. An Act for extending and for altering the Line the *Bristol and Gloucestershire Railway*, and for amending the Acts relating thereto.
- lvii. An Act for enabling the *Slamannan Railway Company* to raise a further Sum of Money.
- lviii. An Act to enable the *Wishaw and Coltness Railway Company* to raise a further Sum of Money; and to amend the Acts relating to the said Undertaking.
- lix. An Act to enable the *Ballochney Railway Company* to raise a further Sum of Money; and to amend the Acts relating to the said Undertaking.
- lx. An Act for making Wet Docks and other Works at and near to *Jarrow Slake* within the Port of *Newcastle upon Tyne*, and in the County of *Durham*, to be called "*The Tyne Docks*."
- lxi. An Act for enabling the Company of Proprietors of the *Birmingham Canal Navigations*

- to make a new Cut; and for extending and altering some of the Provisions of their present Act.
- lxii. An Act to repeal so much of an Act passed in the Twelfth Year of the Reign of His Majesty King *George the First*, for repairing the Walls, Gates, and other public Works in the City of *Norwich*, and several Bridges in and near the said City, and for amending the Roads therein mentioned, as relates to the Application of the Tolls and Duties thereby authorized to be raised; and to provide a new Mode of Application thereof.
- lxiii. An Act for paving, lighting, watching, and improving the Town of *Bradford*, in the County of *Wills*.
- lxiv. An Act for erecting, establishing, and maintaining a new Market in the City of *Aberdeen*, and for providing suitable Approaches thereto.
- lxv. An Act for further improving and maintaining the Harbour of the Burgh of Regality of *Fraserburgh* in the County of *Aberdeen*.
- lxvi. An Act for forming a Canal and other Works within and near certain Lands called the *West Croft*, in the Parish of *Saint Mary*, in the Town and County of the Town of *Nottingham*.
- lxvii. An Act for building a new Gaol for the Liberty or Soke of *Peterborough* and Hundred of *Nassalburgh*, in the County of *Northampton*, and for other Purposes connected therewith.
- lxviii. An Act for amending and enlarging the Powers of Acts for establishing a floating Bridge over the River *Itchen*, near the Town of *Southampton*.
- lxix. An Act to enable the *Manchester and Birmingham* Railway Company to vary and extend the Line of their Railway; and to amend the Act relating thereto.
- lxx. An Act to enable the *Monkland and Kirkin-tilloch* Railway Company to raise a further Sum of Money; and to amend the Acts relating to the said Undertaking.
- lxxi. An Act for incorporating certain Persons for the making and maintaining a Railway from the Township of *Crook* and *Billy Row* to the *Byers Green* Branch of the *Clarence* Railway, in the Parish of *Saint Andrew Auckland*, all in the County of *Durham*, to be called "The *West Durham* Railway."
- lxxii. An Act for enlarging the Town Quay of the Borough of *Portsmouth*, and for improving that Portion of the Harbour of *Portsmouth* called *The Camber*.
- lxxiii. An Act for the Improvement of the Navigation of the River *Moy*, in the Counties of *Mayo* and *Sligo*, in *Ireland*.
- lxxiv. An Act to enable the *Newport Dock* Company to raise a further Sum of Money.
- lxxv. An Act to alter and amend the Powers and Provisions of an Act of the Fifth Year of the Reign of His Majesty King *William the Fourth*, for making and maintaining a Pier and other Works at *Deptford*, in the County of *Kent*.
- lxxvi. An Act to alter and amend the Powers and Provisions of an Act for making a Railway from the *London* and *Greenwich* Railway to the *Deptford* Pier, to be called "The *Deptford* Pier Junction Railway."
- lxxvii. An Act to amend and extend the Powers of the Northern and Eastern Railway Act.
- lxxviii. An Act to enable the Northern and Eastern Railway Company to alter the Line of their Railway by forming a Junction with the Eastern Counties Railway; and to provide a Station and other Works at *Shoreditch*; and to amend the Act relating to the Northern and Eastern Railway.
- lxxix. An Act to alter and divert the Line of the South-eastern Railway from a Point thereon in the Parish of *Chiddington*, in the County of *Kent*, so as to join the *London* and *Brighton* Railway at or near *Redstone Hill*, in the Parish of *Reigate*, in the County of *Surrey*.
- lxxx. An Act for better lighting with Gas the Village of *Over Darwen*, in the County Palatine of *Lancaster*.
- lxxxi. An Act for maintaining and regulating the Market in the Parish of *Sidmouth*, in the County of *Devon*.
- lxxxii. An Act for extending and enlarging an Act passed in the Seventh Year of the Reign of His late Majesty King *William the Fourth*, for making and maintaining a Turnpike Road from *Annesland* Toll Bar, in the County of *Lanark*; and for making and maintaining another Branch Road, to be called *Saint George's Road*, in connexion with the said Road.
- lxxxiii. An Act for forming and establishing "The *London* Patent White Lead Company;" and to enable the said Company to purchase certain Letters Patent.
- lxxxiv. An Act for forming and regulating a Company, to be called "The General Filtration and Dye Extract Company;" and to enable the said Company to purchase certain Letters Patent.
- lxxxv. An Act for the more easy and speedy Recovery of Small Debts and Damages within the Honour of *Pontefract*, Parcel of Her Majesty's Duchy of *Lancaster*, in the West Riding of the County of *York*; and for altering the Practice and extending the Jurisdiction of the Court Baron of the said Honor.
- lxxxvi. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Aberford* and other Places in the West Riding of the County of *York*.
- lxxxvii. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Rotherham* and other Places in the West Riding of the County of *York*.
- lxxxviii. An Act for the more easy and speedy Recovery of Small Debts within the Town and Manor of *Glossop*, and other Places in the Parish of *Glossop*, in the County of *Derby*.
- lxxxix. An Act for the more easy and speedy Recovery of Small Debts within the Town or Borough of *Grantham*, in the County of *Lincoln*, and other Places in the Counties of *Lincoln* and *Leicester*.
- xc. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Rochdale*, and other Places in the County Palatine of *Lancaster*.
- xci. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Warrington*, and several other Places adjacent thereto, in the Counties of *Lancaster* and *Chester*.
- xcii. An Act for altering, amending, consolidating, and enlarging the Provisions of certain Acts relating to the Regulation of Buildings in the Borough of *Liverpool*.
- xciii. An Act for forming and regulating a Company to be called "The Ship Propeller Company;" and to enable the said Company to purchase certain Letters Patent.
- xciv. An Act for regulating the Police in the City of *London*.

- xv. An Act for extending the Line of the Railway between *London* and *Blackwall*, called "The Commercial Railway," and for amending the Acts relating thereto.
- xvi. An Act for establishing a general Cemetery for the Interment of the Dead in the Parish of *Brighton*, in the County of *Sussex*.
- xvii. An Act for the more speedy Recovery of Small Debts within the Manor of *Hatfield*, and other Places in the West Riding of the County of *York*.
- xviii. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Belper*, and several other Places in the County of *Derby*.
- xcix. An Act for the more easy and speedy Recovery of Small Debts within the Borough of *Newark*, and other Places in the Counties of *Nottingham* and *Lincoln*.
- c. An Act for the more easy Recovery of Small Debts within the Parishes of *Prestwich-cum-Oldham* and *Middleton*, in the County of *Lancaster*.
- ci. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Bury*, and other Places therein mentioned in the County of *Lancaster*.
- cii. An Act for the more easy and speedy Recovery of Small Debts within the Parish of *Wirksworth*, and other Parishes and Places adjacent or near thereto, in the several Counties of *Derby* and *Stafford*.
- ciii. An Act for the more easy and speedy Recovery of Small Debts within the Parish of *Eckington*, and other Places in the County of *Derby*.
- civ. An Act for the more easy and speedy Recovery of Small Debts within the Borough and Parish of *Chesterfield*, and other Parishes and Places adjacent or near thereto, in the County of *Derby*.
- cv. An Act for the more easy and speedy Recovery of Small Debts within the Town and County of the Town of *Nottingham*, and other Places therein mentioned, in the Counties of *Nottingham* and *Derby*.
- cvi. An Act for the more easy and speedy Recovery of Small Debts within the Parishes of *Halifax*, *Bradford*, *Keighley*, *Bingley*, *Guiseley*, *Colverley*, *Batley*, *Birstal*, *Mirfield*, *Hurtishead-cum-Clifton*, *Almondbury*, *Kirkheaton*, *Kirkburton*, and *Huddersfield*, and the Lordship or Liberty of *Tong*, in the County of *York*.
- cvi. An Act for further extending the Approaches to *London Bridge*, and amending the Acts relating thereto.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER, AND

WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. An Act for inclosing certain Open and Common Downs of Sheepwalks within the several Tithings of *Oxenbourn* and *Ramsdean* in the Parish and Manor of *Eastmeon* in the County of *Southampton*.
2. An Act for inclosing Lands in the Honour or Lordship of *Chirk* and *Chirk Land* in the several Parishes of *Llangollen* and *Llainsaint-fraid Glyn Ceiriog* in the County of *Denbigh*.
3. An Act for inclosing Lands in the Parish of *Stow cum Quy* in the County of *Cambridge*.
4. An Act for inclosing Lands in the Parish of *Moulton* in the County of *Suffolk*.
5. An Act for inclosing Lands in the Parish of *Fretherne* and *Saul* in the County of *Gloucester*.
6. An Act for inclosing Lands in the Parish of *Melbourn* in the County of *Cambridge*.
7. An Act for the Sale of the Advowson of the Vicarage of *Tetbury* in the County of *Gloucester*.
8. An Act for inclosing Lands in the Parish of *Berkeley* in the County of *Gloucester*.
9. An Act for inclosing Lands in the Manor and Township of *Totley* in the Parish of *Dronfield* in the County of *Derby*.
10. An Act for inclosing Lands in the Manor of *Unstone* in the Parish of *Dronfield* in the County of *Derby*.
11. An Act for inclosing Lands in the Parish of *Ringstead* in the County of *Northampton*.
12. An Act for inclosing Lands in the Parish of *Barton* in the County of *Cambridge*.
13. An Act for inclosing Lands in the Borough or Township of *Chun* in the Parish of *Chun* in the County of *Salop*.
14. An Act for inclosing Lands in the Parish of *Comberton* in the County of *Cambridge*.
15. An Act for inclosing Lands in the Parish of *Rampton* in the County of *Cambridge*.
16. An Act to enable *Jane Mills* to grant Building and Repairing Leases of Estates in the Parish of *Aston-juxta-Birmingham* in the County of *Warwick* devised by the Will of the late *Wriothesly Digby*, Esquire; and also to alter and amend the Power of leasing contained in the Marriage Settlement of *Charles Wriothesly Digby* Esquire.
17. An Act to enable the Trustees of the Estates devised by *William Hulme*, Esquire, to appropriate certain Parts of the accumulated Fund arising from the said Estates towards the Endowment of Benefices, the building of Churches, and for other Purposes.
18. An Act for vesting certain Hereditaments situate in the Parish of *Drypool* within the Borough of *Kingston-upon-Hull*, and in the Parish of *Sutton* in the East Riding of the County of *York* respectively, late the Property of *Robert Raikes*, Esquire, deceased, in Trustees, upon Trust to be sold, and for laying out the Money arising therefrom in the Purchase of other Estates, to be settled to the same Uses.
19. An Act for giving effect to certain Powers as to Parts of the Settled Estates of the Most Noble *Richard Plantagenet*, Duke of *Buckingham* and *Chandos*.

20. An Act to enable the Mayor and Commonalty and Citizens of the City of *London*, to let and sell Parcels of Ground in *Saint George's Fields*, near *Bethlem Hospital*, to the Governors of the said Hospital.
21. An Act for enabling the Keepers and Governors of the Possessions, Revenues, and Goods of the Free Grammar School of *John Lyon* within the Town of *Harrow on the Hill*, in the County of *Middlesex*, to grant improving Leases of their Estates at *Harrow* and *Barnet*, and for other Purposes therein mentioned.
22. An Act for explaining and amending an Act made and passed in the Fifty-ninth Year of His Majesty King *George the Third*, intituled *An Act for vesting the Manor of Oram, and certain Messuages, Lands, Tenements, and Hereditaments in the County of Sussex, Part of the Settled Estates by the Will of Samuel Blunt, Esquire, deceased, in Trustees, to be sold; and for vesting the Money arising from such Sale in the Purchase of other Estates, to be settled to the same Uses*.
23. An Act for vesting certain Parts of the devised Estates of *Hannah Gilpin Sharp*, Widow, deceased, in Trustees, in Trust, to be sold or demised, for the Purposes therein mentioned.
24. An Act for vesting certain Parts of the Entailed Estate of *Ladykirk* in Trustees, to be sold, for Payment of the Debts affecting the same, and for other Purposes therewith connected.
25. An Act for authorizing the granting of Leases of Part of the Estates in the County of *Kent*, devised by the Will of the Right Honourable *Edward*, Earl of *Darnley*, deceased.
26. An Act to authorize the granting of Mining and Building Leases and Conveyances of Parts of the Estates, devised by the Will of *James Alexander Hodson*, Esquire, deceased, subject to the Trusts of such Will.
27. An Act to enable the Mayor and Commonalty and Citizens of the City of *London* to sell building Ground in *Saint George's Fields*.
28. An Act for inclosing certain Lands called the *West Croft* and *Burton Leys*, in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham*.
29. An Act for inclosing Lands in the Parishes of *West Beckham* and *Aby* in the County of *Norfolk*.
30. An Act for inclosing Lands in the Manor of *Almsworthy* in the Parish of *Exford* in the County of *Somerset*.
31. An Act for inclosing Lands in the Township of *Hartishead* otherwise *Hartshead* in the Parish of *Dewsbury* in the West Riding of the County of *York*.
32. An Act for inclosing, allotting, and improving certain Open Fields in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham*.
33. An Act for altering and amending certain Acts relating to the Churches of *Saint Mark*, *Saint Luke*, and *Saint Michael*, in the Borough of *Liverpool*.
34. An Act for vesting the Estate called the *Combe Bank* Estate, late belonging to the Right Honourable *Arthur Lord Templemore*, deceased, in Trustees to sell the same, and to invest the Produce of such Sale for the Benefit of his infant Sons.
35. An Act to authorize the Sale of certain Lands, Tenements, and Hereditaments in the Counties of *Kent* and *Northampton*, formerly belonging to *William Marshall* of *Clifford's Inn* in the City of *London*, Gentleman, deceased; and for other Purposes incidental thereto.
36. An Act to enable *Randolph* Earl of *Galloway*, or the Heir in Possession of the Entailed Estates of *Garlies*, *Baldoon*, *Newton Stewart*, and others, in the County of *Wigton* and Stewartry of *Kircudbright*, to reclaim certain sleechy Ground on the Shores of the said Estates, and to drain and improve the *Moss of Cree*, Part thereof; and to burden the said Estates partially, and the reclaimed and improved Land, with the Expence; and also to burden the said Estates with certain Expences incurred by the said Earl in improving the same.
37. An Act for vesting Parts of the Estates of Sir *John Davie*, Baronet, deceased, in Trustees, upon Trust to be sold; and for laying out the Purchase Money, under the Direction of the Court of Chancery, in the Purchase of other Estates, to be settled to the same Uses.
38. An Act for effecting an Exchange of Mines and Lands between Sir *Benjamin Hall*, Baronet, and others, and *Capel Hanbury Leigh*, Esquire, and others.
39. An Act to authorize Conveyances in Fee Farm, or Demises for long Terms of Years under reserved Rents, of certain Parts of the Settled Estates of the Right Honourable *George Harry* Earl of *Stamford* and *Warrington*.
40. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Reading* in the County of *Berks*, to sell certain Real Estate discharged from certain Liabilities, and to invest the Purchase Monies arising from such Sales in the Purchase of other Real Estate, to be charged with such Liabilities.
41. An Act for exchanging Freehold and Copyhold Estates belonging to *John Motteux*, Esquire, in *West Rudham* and *East Rudham* in the County of *Norfolk*, for Freehold, Copyhold, and Leasehold Estates in *Dursingham* in the same County, settled under the Will of *Horatio*, Earl of *Orford*, deceased.
42. An Act for authorizing the Sale of the Real Estate, devised by the Will of *Henry Boulton*, Esquire, deceased, and for the Application of the Monies to arise thereby.
43. An Act for vesting the undivided Sixth Share of *Ann Campbell Bligh*, Spinster, a Lunatic, as One of the Six Daughters and Co-heiresses of *William Bligh*, Esquire, deceased, in certain Lands and Hereditaments in *New South Wales*, of which the said *William Bligh*, died, seised, in Trustees, in whom the other Five undivided Sixth Shares are now vested, upon Trust for Sale.
44. An Act for enabling the Trustees of the Will of the Reverend *John Templer*, Clerk, deceased, to exchange certain of the Real Estates thereby devised, situate in the County of *Devon*, for certain other Estates situate in the same County.
45. An Act to enable *William Russell*, Esquire, to grant Leases of Coal Mines under the Lands within the Manor or Lordship of *Brancepeth* and other Lands in the County of *Durham*, devised by, or subject to the Uses and Trusts of the Will and Codicil of *William Russell*, Esquire, deceased, and the Will and Codicil of *Matthew Russell*, Esquire, deceased.
46. An Act for inclosing Lands within the Parishes of *Rathkeale* and *Croagh* in the County of *Limerick*.

PRIVATE ACTS,

NOT PRINTED.

47. An Act for naturalizing *John Christoph Kayser*.
48. An Act to enable *William Beckett*, Esquire, and his Issue Male, to take the Name and bear the Arms of *Turner*, pursuant to the Will of *Martha Turner*, Widow, deceased.
49. An Act for naturalizing *Ernest Reuss*.
50. An Act for naturalizing *Don Manuel de la Torre y Antunano*.
51. An Act for naturalizing *George Edward Biber*.
52. An Act to dissolve the Marriage of *Johnstone Napier*, Esquire, a Lieutenant Colonel in the Military Service of the *East India* Company on their *Madras* Establishment, with *Isabella* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
53. An Act to dissolve the Marriage of *Dionysius Lardner*, Clerk, Doctor of Civil Law, with *Cecilia Lardner* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
54. An Act to dissolve the Marriage of *Henry Coode* (otherwise *Cood*), Esquire, with *Jane* his now Wife, and to enable him to marry again; and for other Purposes.
55. An Act to dissolve the Marriage of *William Carleton*, Esquire, with *Rosamond Carleton* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
56. An Act for naturalizing *Nicola Ivanoff*.
57. An Act to dissolve the Marriage of *Robert Allison* with *Mary Ann* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
58. An Act to dissolve the Marriage of *Edward Leigh Pemberton* with *Charlotte* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
59. An Act to dissolve the Marriage of *Richard John Sutcliffe Mellin*, Esquire, with *Jane Mellin* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
60. An Act to dissolve the Marriage of the Reverend *William Andrew Weguelin*, Clerk, with *Emma* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
61. An Act for naturalizing *Alexander Henry Augustus John Count de Saint George*.
62. An Act for naturalizing *Samuel Aspinwall Goddard*.

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1839.

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